

## **The Third Meeting of the Advisory Committee for the National Action Plan on Business and Human Rights (Summary Minutes)**

August 31, 2020 (Monday) 15:00-17:00

Online meeting (Ministry of Foreign Affairs, South Building, 6th Floor, International Conference Room 666)

### **I. Welcome Speech**

(Mr. AKAHORI, Takeshi, Deputy Director-General, Foreign Policy Bureau, Ambassador, Ministry of Foreign Affairs)

- June 2021 marks the 10th anniversary of the development of the UN Guiding Principles on Business and Human Rights (the UNGPs). We believe that further attention will be brought to efforts concerning business and human rights, which will be considered more important.
- Recently, the international community has focused on human rights in response to COVID-19 and during the recovery phase. In July 2020, the 44th session of the UN Human Rights Council adopted a resolution on business and human rights without a vote, recognizing the necessity of ensuring responsible business conduct in the context of the COVID-19 crisis.
- Under these circumstances, the government of Japan has been working on formulating a National Action Plan (NAP) on Business and Human Rights with the aim of further promoting measures toward the achievement of Sustainable Development Goals (SDGs). We believe that it is critically important to encourage Japanese business enterprises to work on business and human rights and promote responsible business conduct through the implementation of the NAP.

### **II. Discussion Points**

#### **(1) Explanation of the updates from the first draft of the NAP**

First, the Ministry of Foreign Affairs explained the background leading up to this October meeting. After holding the Second Meeting of the Advisory Committee for the National Action Plan on Business and Human Rights (the Committee) in February 2020, the government invited public comments on the first draft of the NAP and then held an online meeting of the Working Group on the National Action Plan on Business and Human Rights (the Working Group) this past July. The Ministry of Foreign Affairs further gave an explanation that the government updated the first draft of the NAP based on this input by referring to the Committee's meeting materials, including the "Updated Version of the

First Draft of the NAP.”

**(2) Views on the updated version of the first draft of the NAP**

Following the Ministry of Foreign Affairs’ explanation, the Committee members presented their views and questions on the updated version of the first draft of the NAP (the updated NAP draft). Subsequently, the Ministry of Foreign Affairs and relevant ministries and agencies provided responses.

(Mr. AIHARA, Yasunobu, General Secretary, JTUC-Rengo)

- Regarding the fundamental ILO Conventions with respect to core labour standards, it is disappointing that the updated NAP draft has no reference to the government’s efforts to ratify the non-ratified Conventions No. 105 and No. 111. These Conventions have been ratified by 175 and 187 countries, respectively, and Japan is lagging behind these countries. It is a shame that Japan has not met the international standards. Taking this opportunity, the government needs to develop domestic legislation promptly in order to ratify these Conventions. The government should ensure the ratification of these Conventions by the time of the revision of the NAP in five years so that we can include this point in the revision.
- Two letters from stakeholders of the Working Group—“First Letter of Request,” submitted at the fourth meeting of the Working Group in November 2019 (the First Letter of Request), and “Second Letter of Request and Stakeholders’ Common Request (2nd),” submitted at the sixth meeting of the Working Group in July 2020 (the Second Letter of Request), strongly requested that the NAP reflect stakeholders’ common views, but that is yet to be achieved sufficiently. I would like to request the government to reflect them in the NAP in manner acceptable to both the government and stakeholders.
- Chapter 4, “Framework for Implementation and Review of the NAP” does not include details on how to monitor the status of NAP implementation. It is important to carry out continuous and effective monitoring with indicators in the implementation phrase. I ask the government to undertake frequent social dialogue with stakeholders instead of gathering opinions in a one-way approach. It is also important to keep the public fully informed and create new waves.

(Mr. ARAI, Masaru, Chair, Japan Sustainable Investment Forum; Senior Engagement Consultant, Federated Hermes EOS)

- (Regarding Chapter 1.1 Introduction: Increasing International Attention to Business

and Human Rights and the Need for NAPs) Paragraph 4 uses the term “constructive dialogue,” while Japan’s Stewardship Code uses the phrase “constructive engagement, or purposeful dialogue.” From the standpoint of an investor, I would like the NAP to use a phrase such as “constructive or purposeful dialogue” and include the word “engagement” in it.

- (Also in Chapter 1.1, Paragraph 4) In terms of efforts made by insurance companies and banks, I acknowledge that the NAP makes mention of the Principles for Sustainable Insurance (PSI) and the Principles for Responsible Banking (PRB). I also recommend that the government mention the Sustainable Stock Exchanges (SSE) initiative in the NAP.
- (Regarding Chapter 1.1, Paragraph 6) This portion refers to the phrase “companies engaged in overseas business operations.” I would like the passage to add that both domestic and global supply chains are considered highly important even for companies that do not operate overseas. I appreciate that the updated draft includes additional remarks about COVID-19. As an effort related to human rights during the COVID-19 crisis, the UN Principles for Responsible Investment (PRI) is creating a framework to respond to human rights issues. I think that these investors’ efforts are important, so the PRI’s efforts can be also mentioned in the NAP.
- (Also in Chapter 1-1) Paragraph 9 states that “the NAP will be implemented steadily” in response to the COVID-19 crisis. However, I recommend you add some words to this sentence in order to implicate the intention not only to implement the effort steadily but also to accelerate responsible business conduct.
- (Regarding Chapter 1-3 Objectives to be Achieved through the Launch and Implementation of the NAP) Paragraph 9 uses the phrase “not only to contribute to society,” which sounds as if the NAP considers contributions to society as the primary purpose and perceives risk management and others as of secondary importance. It is better to revise the phrase so that the NAP puts an equal emphasis on these purposes.
- (Regarding Chapter 2.2.1.A Labour (Promotion of Decent Work)) I suggest that the paragraph concerning promotion of decent work mention the non-ratified ILO Conventions, with the phrase “respect, promote, and realize the fundamental principles and the principles concerning rights (including the unratified Conventions).” The current phrasing does not clarify whether or not the government will promote the ratification of such Conventions.
- (Regarding Chapter 2.2.1.C Human Rights Associated with the Development of New Technologies) There are mentions of efforts associated with the Internet. Currently, the issue of data governance has emerged, and data security is of crucial importance.

The words “data” and “communication” should be added to the NAP.

- (Regarding Chapter 2.2.3.A Measures related to Domestic and Global Supply Chains and Promotion of Human Rights Due Diligence based on the UN Guiding Principles) The “Introductory Guide for Implementation of Environmental Due Diligence in Value Chain” issued by the Ministry of the Environment refers to human rights frequently. This can be mentioned in the NAP. For example, at the beginning of the guide, it states that “Efforts to tackle environmental challenges are considered to be indivisible from human rights.” Such expressions should be included in the NAP.
- The term “human rights” does not appear at all in the Guidance for Collaborative Value Creation, so the government could reconsider the possibility of mentioning human rights in the guidance. Section 4-4-3 of the guidance, “Strategy for ESG Integration,” can be replaced with such phrases as “Strategy for ESG Integration including SDGs, business, and human rights” to clarify the nuances.
- (Regarding Chapter 4) With regard to the phrase “hearing views from stakeholders,” the text should mention that detailed discussion will be conducted at the hearings and that the government will hear the views of stakeholders bilaterally. This point should be clarified in the NAP.

(Mr. ARIMA, Toshio, Chairman of the Board, Global Compact Network Japan)

- We received the government’s written answer to the First Letter of Request. On the other hand, before receiving the reply, the Working Group members had already assessed the first draft of the NAP to evaluate the extent to which the requests had been reflected. A comparison table summarizing the outcome of the assessment shows that most of the requests were not reflected in the NAP. We would like the government to reconcile the First Letter of Request, the comparison table, and the government’s answer to the First Letter of Request and establish clear processes to follow up with the remaining challenges.
- The Second Letter of Request includes a request for developing a framework to implement gap analysis and PDCA cycles, but the reply has not been received yet. I would like to request a reply to the Second Letter of Request as well.
- As for the impact of the COVID-19 crisis on human rights, the NAP can clarify important issues to be tackled in the post COVID-19 era. It seems too early to have a clear view of the situation. I suggest that the processes for considering the issues be clarified.
- I recommend that the government involve stakeholders in the review cycle of the NAP and implement “constructive or purposeful dialogue (engagement),” as

mentioned by Mr. Arai.

(Ms. OMURA, Emi, Former Chair, Committee on International Human Rights, Japan Federation of Bar Associations)

- (Regarding Chapter 2.2.1.A) In the section of “Future Measures,” I acknowledge that the updated NAP draft mentions “promoting labour policies to respect, promote, and realize the principles concerning fundamental rights, as described in the ILO Declaration on the Fundamental Principles and Rights at Work (the ILO Declaration).” I would like the NAP to include “efforts to ratify the fundamental ILO Conventions.” The Economic Partnership Agreement (EPA) between Japan and the European Union (EU) states that “Each Party shall make continued and sustained efforts on its own initiative to pursue ratification of” non-ratified ILO Conventions. In addition, the “Resolution concerning Japan’s further contributions to the ILO on the commemoration of the centenary of its foundation,” which the Japanese National Diet passed last year, states that Japan is to make additional effort toward the ratification of the non-ratified Core Conventions.
- (Regarding Chapter 3 Government’s Expectations towards Business Enterprises) I would like the NAP to use the term “dialogue with stakeholders, including those in supply chains,” although the updated NAP draft has already mentioned the importance of dialogue with stakeholders.
- (Regarding Chapter 4) The updated NAP draft mentions opportunities to hear views from stakeholders, but as already mentioned by other Committee members, the word “dialogue,” used in the first draft of the NAP, sounds more appropriate. The phrase “hearing views” gives the impression of being unilateral. The term “dialogue” is a more common expression in English. For this reason, I recommend that the term “dialogue” be used.
- (Regarding Chapter 4, Paragraph 3) In the “status of implementation,” the NAP can clarify the purpose of dialogue by stating “providing opportunities for continued dialogue with stakeholders in order to ensure effective implementation.”
- (Regarding Chapter 2.2.1.C (a)) The phrase “including hate speech” was deleted in the updated NAP draft. However, I request that this phrase remain because hate speech is an important human rights issue.
- (Regarding Chapter 2.2.1.E Equality before the Law (Persons with Disabilities, Women, Persons of Diverse Sexual Orientation and Gender Identity and Other Groups)) The logical order of the text seems backward regarding an explanation

about equal employment opportunity between men and women and the phrase “achievement of a society where women shine.” The prohibition of discrimination under the Equal Employment Opportunity Law and the Labour Standards Act should come first in this section.

- (Regarding Chapter 2.2.3.A (a) Publicizing the NAP and raising awareness of human rights due diligence among Japanese business enterprises in cooperation with industry groups and other relevant bodies) The phrase “raising awareness of human rights due diligence, including supply chains” should be used, in line with (d), which mentions supply chains in the context of publicizing by Japanese embassies and consulates.
- (Also in Chapter 2.2.3.A (c) Raising-awareness of the ILO MNE Declaration) Raising awareness of the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (the ILO MNE Declaration) is important. However, the text should also mention the dissemination of the ILO Declaration. This declaration should be also included in the reference that lists international documents, etc. (Appendix 2 of the NAP).

(Ms. KONO, Yasuko, Director, Japan Consumers’ Association)

- The development of the NAP is meaningful especially at a time when society, economy, and daily life face challenges due to the COVID-19 crisis. I recognize that this is an opportunity for many consumers to confront the human rights agenda and change their own behaviors.
- Human rights issues in supply chains can be approached in new ways that are different from those concerning traditional human rights issues. I would like the government not only to raise awareness of the background of human rights issues in supply chains, which are not well-known in Japan, but also to promote awareness of ethical consumption through various measures that are not limited to disseminating information regarding events and case studies.
- Consumers, who play important roles in the market, support companies’ positive efforts and choose their products accordingly. This will further promote and expand their efforts.
- I would like to request the development of effective monitoring indicators that confirm the implementation of corporate human rights due diligence. I would also like to request the establishment of a continuous and effective monitoring mechanism.
- We look forward to having a portal site for promotional activities. Such a portal site could play a role as a platform for sharing the progress of the NAP with society by

introducing companies' good practices, regardless of their size. The site can update information in a timely manner.

- I would like the government to polish the NAP further by incorporating views presented at the meeting of Working Group and public comments.

(Mr. TAKASAKI, Shinichi, Director, International Labour Organization Office for Japan)

- I would like to once again point out the importance of the ILO's efforts to resolve labour issues regarding "business and human rights," especially the importance of the ILO Declaration and the ILO MNE Declaration.
- (Regarding Chapter 4) Cooperation with stakeholders is essential in the implementation and monitoring of the NAP. It is thus necessary to establish a platform for the continued exchange of opinions with stakeholders.
- Regarding the non-ratified ILO Conventions and other non-ratified treaties on international labour standards, we expect Japan to accelerate its government-labor-management discussions and work to ratify them as a traditional member of the ILO.
- I expect Japan to play a leading role in the international community on the business and human rights agenda and strongly contribute to achieving SDGs through the implementation of the NAP.

(Mr. HAMAMOTO, Shotaro, Professor, Graduate School of Law, Kyoto University)

- It is disappointing that the government's responses to views submitted in the public comments (the government invited public comments on the first draft of the NAP between February 17 and March 17, 2020) have not been released to the public yet. The Committee could not discuss the issues raised by the public comments at this meeting.
- (Regarding Chapter 2.2.2.C Promotion and Expansion of Business and Human Rights Agenda in the International Community) The updated NAP draft includes descriptions of the EPA between Japan and the EU, and this is a major step forward. I understand that it is difficult to mention treaties with other countries as general remarks in the NAP, but it is still possible to consider its own initiative of involving civil society organizations within Japan, just as other developed countries are doing. The NAP may be able to mention such efforts as well.
- Even if Japan does not intend to become a party to some of the fundamental ILO Conventions or accept the individual communication procedures under international human rights treaties, which is Japan's decision to make, the government should still explain to both the domestic and the international community why Japan does not

accept them. If there are issues domestically, the government should explain the reasons, as doing so would help clarify challenges to be considered in the future. If there are issues in the treaties or the individual communication procedures, the government should provide explanations to foster international discussion and should play a leading role in establishing more appropriate treaties and systems.

- (In implementing efforts listed in the updated NAP draft) It is important not only to develop objective indicators but also to create opportunities to develop such indicators. The NAP should note the platforms for developing the objective indicators and the scope of who will participate in developing them.
- (Regarding Chapter 2.2.4 Measures regarding Access to Remedy, (b) Human Rights Training for Police Officers, Public Prosecutors, and other relevant officials) A mention of the courts' effort has been added in the footnote, and this is a major step forward. Given that this NAP is about business and human rights, it should state whether courts provide training on those themes. I acknowledge that there is a note about "various human rights-related training" in the updated NAP draft, though.
- (Also in Chapter 2.2.4 (g) Promotion of the Use of Alternative Dispute Resolution, Procedures) Based on the current description, it seems difficult to understand how the "promotion of the use of alternative dispute resolution" relates to business and human rights. It would be helpful to provide supplementary explanations of what procedures are meaningful from the perspective of business and human rights and how such procedures are promoted.

(Mr. FUTAMIYA, Masaya, Chair, Committee on Responsible Business Conduct & SDGs Promotion, Keidanren; Director-Chairman, Sompo Japan Insurance Inc.)

- The COVID-19 crisis has revealed the vulnerabilities of supply chains and the acceleration of social inequality. I once again realized that efforts regarding business and human rights are essential for business enterprises in building sustainable and resilient supply chains.
- Global investors are increasingly emphasizing human rights or labour practices as requirements for sustainable investment. Japanese companies are also responding to this trend with a sense of urgency to secure and improve their global competitiveness.
- Japanese companies pay special attention to the NAP, considering how the government supports their implementation of human rights due diligence. However, the updated NAP draft does not stipulate what specific actions companies should take. As I requested before, I would like the government to create a guidance that helps Japanese companies make efforts regarding human rights due diligence in



accordance with the UNGPs. I also ask the government to expand concrete and effective support for small-to-medium-sized enterprises (SMEs) to follow the NAP.

- (Regarding Chapter 2.2.3.A (d) Publicizing the NAP and raising awareness of human rights due diligence among Japanese business enterprises operating overseas via embassies, consulates, and country offices of governmental-related entities) The NAP should clearly mention that the Japan External Trade Organization (JETRO) will also strengthen its support for companies by collecting information related to business and human rights and building local networks abroad to help promote the global business activities of Japanese companies.
- In Germany, the Netherlands, the United States, and other countries, governments support companies with their practices by creating guidelines on human rights due diligence in cooperation with industry organizations and providing risk information relating to human rights on government-run websites, etc. Japan can certainly research these practices and adopt approaches that would be suitable for Japan.
- (Regarding Chapter 4) The development of the NAP is only a starting point, and it is important to implement the PDCA cycle in order to improve the NAP. We expect the government to clearly state in the NAP that it will provide frequent opportunities for exchanges of views with stakeholders for the effective and continuous monitoring of the NAP in the future so that the NAP can evolve as a “living document.”

(Mr. WAKABAYASHI, Hideki, Chair, BHR-NAP Platform)

- At the UN Forum on Business and Human Rights in Geneva in November 2016, the Japanese delegation announced that the NAP will be developed “in the coming years.” I would like to pay my respects to the government for its efforts to develop the NAP over the three years since.
- Still, the content of the NAP is not satisfactory. The most serious problem seems to be the lack of gap analysis during the developing process, and therefore, what the NAP should aim for is unclear. It would be still possible to create the NAP by describing existing policies. However, in my opinion, there is a common understanding that doing so is meaningless. Moving forward, the government can hopefully make stronger efforts for the implementation of the NAP.
- Interest in and awareness of business and human rights are a reflection of public awareness. Civil-society organizations would also like to take responsibility for promoting awareness of the issues.
- One of the fundamental problems is that there is no national human rights institution (NHRI) in Japan. The updated NAP draft still does not refer to this point. Since a

NHRI can analyze or make recommendations for the promotion of human rights independently from the government, it can implement gap analyses. The lack of a NHRI seems to be one of the causes of the current problems concerning the NAP. The government's efforts to establish a NHRI will help increase the impact of business and human rights. Relevant ministries and agencies may be able to lobby to the ruling party to establish domestic legislation regarding a NHRI as a cabinet law instead of waiting for political commitment.

- In my opinion, Japanese companies lack a sense of urgency because they do not recognize that business and human rights are directly linked to their competitiveness. I would like to request the government to consider making thorough efforts to rebuild Japan's industry and economy. The implementation of corporate human rights due diligence cannot be promoted unless the government takes initiative by, for example, indicating the standards in accordance with the UNGPs.
- (Regarding Chapter 4) It is not enough to share the progress of implementation with stakeholders and hear views. The Committee members share a common view that an effective mechanism of monitoring and follow-up should be developed. This can be certainly mentioned in Chapter 4.
- The government departments and bureaus implementing measures regarding business and human rights can make efforts together with stakeholders.

(Mr. AKAHORI, Takeshi, Ministry of Foreign Affairs)

- Taking the views presented at this meeting seriously, we will discuss them with the relevant ministries and agencies and reflect what can be incorporated into the NAP.
- Many Committee members mentioned opportunities for continued dialogue with stakeholders in the follow-up process. We will once again discuss this matter with the relevant ministries and agencies. We used the wording "hearing views" in the updated NAP draft with a view to ensuring that views are listened to carefully. Taking the suggestion into account, we would like to consider more appropriate expressions.
- Some Committee members also noted the two non-ratified fundamental ILO Conventions and the acceptance of the individual communication procedures under human rights treaties. The conclusion of these treaties requires a Cabinet-level decision. Regarding the two non-ratified fundamental ILO Conventions, the current expressions in the updated NAP draft were prepared given the issue of consistency with domestic law. We will once again discuss what can be mentioned in the NAP, but this will be a difficult task.
- Some Committee members pointed out a lack of gap analysis in the NAP. We also

received encouragement that now is the optimal timing for launching the NAP. Following the launch of the NAP, we would like to establish the Inter-Ministerial Committee for Japan's NAP on Business and Human Rights and discuss how we will implement the NAP during the five-year implementation period.

- We share the recognition that the NAP should contribute to strengthening Japanese companies' global competitiveness. From this perspective, efforts to create guidance for companies and support Japanese companies, including SMEs, are significant. We would like to hold discussions with the relevant ministries and agencies and discuss a detailed follow-up process.
- As for publicizing the NAP to Japanese companies operating overseas, we plan to cooperate with local chambers of commerce and industry associations and JETRO through Japanese embassies and consulates, etc. We will also discuss with the relevant ministries and agencies whether JETRO can be mentioned.
- We apologize for the non-ideal procedures in the process of developing the NAP, as some members have pointed out (e.g., the response to public comments). We are also highly grateful for the members' views that the implementation of the NAP is important. We will develop a final draft of the NAP by considering the views presented at this meeting, and we will implement it promptly. Going forward, we would appreciate further cooperation with stakeholders.

(Mr. TOMIYAMA, Mikito, Director, Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, Ministry of Foreign Affairs)

- We would like to work with the relevant ministries and agencies to examine the specific wordings suggested by Mr. Arai.
- Points presented by Mr. Arima, namely undertaking gap analysis, the table comparing the NAP with the stakeholders' two Letters of Request, and the follow-up to the NAP in the post COVID-19 era, all seem to be relevant to the points of how to carry out the follow-up process, as described in Chapter 4. Regarding the procedure, we received some input that we need to take seriously. In the first step, it is important to publicize the NAP both domestically and globally. Then, we would like to discuss how to make a good framework for implementing the plan.
- Ms. Omura pointed out the wording of some specific measures through Chapter 2, including those relating to the fundamental ILO Conventions. We would like to consult with the relevant ministries and agencies on how to incorporate the recommendations into the NAP.
- Ms. Kono expressed her expectations for the government's portal site on business

and human rights. We would like to make efforts, together with the relevant ministries and agencies and stakeholders, to enhance the content of the site.

- We acknowledge that Mr. Takasaki also mentioned that, regarding Chapter 4, cooperation with stakeholders is essential and that the government should thus build a platform to have continued dialogue.
- We take Mr. Hamamoto's views concerning our response to public comments and the procedures in the NAP development process seriously. Regarding the domestic discussion of the EPA's implementation, we would like to discuss with the relevant ministries and agencies how it can possibly be mentioned in the NAP. We would like to consider discussing opportunities and platforms for developing indicators to monitor the NAP's implementation through the follow-up process mentioned in Chapter 4. We aim to look closely into various approaches, drawing on views from business enterprises and cooperation with relevant organizations.
- We would like to continue discussions with stakeholders to make the NAP useful in companies' efforts regarding business and human rights, as pointed out by Mr. Futamiya.
- We believe that it is important to disseminate the NAP domestically and globally and to follow up with the progress of the NAP's implementation sincerely, as stated by Mr. Wakabayashi.

(Ms. HONDA, Norie, Assistant Minister for International Labour Affairs, Minister's Secretariat, Ministry of Health, Labour and Welfare)

- Mr. Akahori already explained our position regarding the wording of the text on the non-ratified ILO Conventions in the NAP. We would like to continue sufficient discussions with representatives from both labour and management regarding future consideration on the non-ratified Conventions. Furthermore, as pointed out, we would like to provide relevant information appropriately about the issues to be considered prior to the ratification.

(Mr. KANKI, Koji, Attorney, International Affairs Division, Minister's Secretariat, Ministry of Justice)

- As for the establishment of a NHRI, there are various national and international views concerning the authority thereof or the scope of human rights violations covered. While we recognize the Principles relating to the Status of National Institutions (The Paris Principles), we also believe that it is necessary to continue to examine this issue in consideration of previous discussions and the human rights situation in Japan.

(Mr. TERAMOTO, Tsunemasa, Director, International Economic Affairs Division, Trade Policy Bureau, Ministry of Economy, Trade and Industry)

- In the sense that the ESG concept covers the business and human rights agenda, we recognize that the Guidance for Collaborative Value Creation also includes the element of business and human rights. The Guidance for Collaborative Value Creation itself is a framework of dialogue between companies and investors at abstract levels. For this reason, it does not currently refer to specific themes such as human rights and the environment.
- We acknowledge that it is necessary to raise awareness of the importance of human rights due diligence to promote SMEs' efforts as well. We plan to make further efforts to increase the recognition of human rights due diligence through awareness-raising seminars as part of the scope of the Small and Medium Enterprise Agency's activities.
- JETRO currently provides information through briefing services and other services regarding overseas business environments, including the consideration of human rights in business activities. We would like to carefully take note of requests and needs regarding the business and human rights agenda and consider necessary measures.

(Mr. WAKABAYASHI, Hideki, BHR-NAP Platform)

- The government's attitude toward the ratification of non-ratified ILO Conventions seems to be very cautious and passive. However, I would like to request the relevant ministries and agencies to take a proactive stance on encouraging the ratification of treaties and establishment of a NHRI by explaining that doing so will serve national interests.
- Training on international human rights standards and business and human rights should be provided not only to public prosecutors but also to government officials and judges. I recall that Anita Ramasastry, a member of the UN Working Group on Business and Human Rights, pointed this out at the Committee's first meeting.

(Mr. TOMIYAMA, Mikito, Ministry of Foreign Affairs)

- The government will consider the ratification of non-ratified treaties through discussions with the relevant ministries and agencies independently from the NAP.

(Mr. ARAI, Masaru, Japan Sustainable Investment Forum; Federated Hermes EOS)

- The reasons provided for the difficulty of ratifying the ILO Conventions are not based

on a business viewpoint, so they are not entirely satisfactory. I would like the government to discuss the non-ratified treaties once again from the perspective of business and human rights.

- The Ministry of Economy, Trade and Industry explained that the ESG concept covers business and human rights, which I believe to be true. However, given the fact that Japan's NAP has been developed, I would like to request that some comments on human rights also be included in the Guidance for Collaborative Value Creation.

(Mr. FUTAMIYA, Masaya, Keidanren; Sompo Japan Insurance Inc.)

- I feel that Mr. Akahori took the views presented by the Committee members at today's meeting sincerely and will be able to deepen the government's consideration of these issues. It is important for the government and stakeholders to engage in a continued dialogue based on mutual trust for an integrated effort.

### **III. Closing Remarks**

(Mr. AKAHORI, Takeshi, Ministry of Foreign Affairs)

- We will carefully examine the views presented at this meeting, brush up the updated NAP draft, and develop a final version of the NAP. We believe that developing the NAP is not enough. What is important is implementing it. We aim to issue a final version of the NAP in a month's time and implement it in a steady fashion.

(End)

The Third Meeting of the Advisory Committee for the National Action Plan on  
Business and Human Rights  
List of Participants

Stakeholders	
Name	Organization/Title
AIHARA, Yasunobu	General Secretary, JTUC-Rengo (Japanese Trade Union Confederation)
ARAI, Masaru	Chair, Japan Sustainable Investment Forum (JSIF); Senior Engagement Consultant, Federated Hermes Equity Ownership Services
ARIMA, Toshio	Chairman of the Board, Global Compact Network Japan
OMURA, Emi	Former Chair, Committee on International Human Rights, Japan Federation of Bar Associations
KONO, Yasuko	Director, Japan Consumers' Association
TAKASAKI, Shinichi	Director, International Labour Organization Office for Japan
HAMAMOTO, Shotaro	Professor, Graduate School of Law, Kyoto University
FUTAMIYA, Masaya	Chair, Committee on Responsible Business Conduct & SDGs Promotion, Keidanren (Japan Business Federation); Director-Chairman, Sompo Japan Insurance Inc.
WAKABAYASHI, Hideki	Chair, BHR-NAP Platform (Civil Society Platform for Japan's National Action Plan on Business and Human Rights)

Participating Ministries and Agencies
Director, Policy Coordination Division, Minister's Secretariat, Cabinet Office
Director General for International Affairs, Commissioner-General's Secretariat, National Police Agency
Vice Commissioner for Strategy Development and Management, Financial Services Agency
Director General, Consumer Affairs Agency
Counselor, General Affairs Division, Minister's Secretariat, Ministry of Internal Affairs and Communications
Attorney, International Affairs Division, Minister's Secretariat, Ministry of Justice
Deputy Director-General, Foreign Policy Bureau, Ministry of Foreign Affairs (Ambassador) (Chair)
Director, Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, Ministry of Foreign Affairs (Moderator)

Deputy Vice-Minister, Minister's Secretariat, Ministry of Finance
Director, Office for International Strategy Planning, International Affairs Division, Minister's Secretariat, Ministry of Education, Culture, Sports, Science and Technology
Assistant Minister for International Labour Affairs, Ministry of Health, Labour and Welfare
Councillor, Deputy Director-General for International Affairs, Minister's Secretariat, Ministry of Agriculture, Forestry and Fisheries
Director, International Economic Affairs Division, Trade Policy Bureau, Ministry of Economy, Trade and Industry
Director, Office of Strategy for Overseas Expansion of Infrastructure Systems, International Policy Division, Policy Bureau, Ministry of Land, Infrastructure, Transport and Tourism
Deputy Director, International Strategy Division, Global Environment Bureau, Ministry of the Environment
Director, Procurement Framework Planning Office, Procurement Planning Division, Department of Procurement Management, Acquisition, Technology & Logistics Agency, Ministry of Defense

(End)