

**Second Year Review on the Implementation of Japan's NAP
on Business and Human Rights
(April 2022 to the end of March 2023)**

May 2023

**Inter-Ministerial Committee on Policy Promotion for the Implementation of
Japan's National Action Plan on Business and Human Rights**

Chapter 4. in the National Action Plan on Business and Human Rights (hereinafter referred to as "the NAP") states that the Inter-Ministerial Committee¹ will follow the progress of implementation of the NAP on an annual basis. The main initiatives of the government in the second year of the NAP (from April 2022 to the end of March 2023)² are as follows;

1 Discussion in the Framework for Promoting the NAP

The following discussions were held at the Inter-Ministerial Committee on Policy Promotion for the Implementation of Japan's National Action Plan on Business and Human Rights (hereinafter referred to as "the Inter-Ministerial Committee") as well as the Roundtable for Promoting the NAP on Business and Human Rights (hereinafter referred to as the "the Roundtable") and the Working Group on the NAP (hereinafter referred to as the "the Working Group"), both of which are to be held by the Ministry of Foreign Affairs (hereinafter referred to as "the MOFA"), under the decision of the Inter-Ministerial Committee.

- i. In June 2022, the fourth meeting of the Inter-Ministerial Committee was held and approved the "First Year Review on the implementation of Japan's NAP on Business and Human Rights." In addition, the Ministry of Economy, Trade and Industry (hereinafter referred to as "the METI") explained the progress of work on the draft of cross-industry guidelines for human rights due diligence (hereinafter referred to as "the Draft").
- ii. In July, the second Working Group was held, where the government explained the status of work on the Draft, the work policy for identifying the relationship between 85 measures in the NAP³ and the "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (hereinafter referred to as "UNGPs") and responses to the "Stakeholder Common

¹ In March 2021, the "Inter-Ministerial Committee on the Implementation of Japan's National Action Plan on Business and Human Rights" was established in accordance with the agreement of the relevant ministries and agencies. This was reorganised into the "Inter-Ministerial Committee on Policy Promotion for the Implementation of Japan's National Action Plan on Business and Human Rights" in December 2021.

² The first year of the NAP is from October 2020 to the end of March 2022.

³ Since then, three new measures have been introduced, and as of now, 88 measures are listed.

Request " and then the opinions were exchanged among the participants.

- iii. In August, at the fifth meeting of the Inter-Ministerial Committee, the METI presented the updated version of the Draft. With regard to the review of the Specified Skilled Worker System and the Technical Intern Training Program, the Ministry of Justice (hereinafter referred to as "MOJ") explained the issues and points of contention as well as the way forward that the Minister of Justice had identified through the study sessions.
- iv. In the same month, the third Roundtable was held, at which the government reported on the status of work on the Draft and exchanged opinions with stakeholders.
- v. In September, the sixth meeting of the Inter-Ministerial Committee officially adopted the Guidelines on Respecting Human Rights in Responsible Supply Chains (hereinafter referred to as "the Guidelines"), which was finalized after the process of public comments.
- vi. In February 2023, the fourth Roundtable and the third Working Group (joint meeting) were held. In the joint meeting, dialogue was conducted to share ideas based on stakeholders' opinions regarding the Guidelines and how the Guidelines should be implemented in the future.

(Note) For the summaries of all the meetings mentioned above, please refer to Attachments 1 through 6, respectively.

2 Measures by the Government

The NAP refers to 85 measures that the government will undertake concerning business and human rights. A list of all the initiatives that have been implemented by each ministry and agency in the second year of the NAP with regard to these items is as per the attachment, of which the following are those that have made particular progress;

(1) Measures of the Government Promoting Corporate Responsibility to Respect Human Rights

In the second year of the NAP, progress was made especially in various measures related to domestic and global supply chains and promotion of human rights due diligence based on the UNGPs. As mentioned above, in September 2022, the Government of Japan released the Guidelines and each ministry and agency engaged in activities to disseminate and raise awareness of the Guidelines among business enterprises. For example, the ministries and agencies actively conducted dissemination and awareness-raising activities through various means, such as: promoting the Guidelines to industry associations and related organizations via e-mail and events; holding, sponsoring, or participating in seminars; presenting the Guidelines at bilateral meetings and international conferences; posting the Guidelines on ministry websites; introducing good practices; and preparing and distributing pamphlets.

The MOFA held seminars in four countries to provide information on the implementation of

human rights due diligence to Japanese business enterprises and their partners which build supply chains in those countries. In addition, through financial contributions to the United Nations Development Program (UNDP), the MOFA conducted study on human rights issues in supply chains and human rights due diligence training for business enterprises in 17 countries as well as provided support to the governments in 13 countries to develop or implement their national action plans (project for 2022 fiscal year).

The METI held seminars in Japan and overseas to disseminate the Guidelines, aiming to raise awareness and promote initiatives in industry, including small and medium-sized enterprises. The METI is also carrying a project, through its financial contributions to the International Labour Organization (ILO), to support the implementation of human rights due diligence by Japanese enterprises for business partners in Asian countries, to compile a collection of good practices on business and human rights, and to promote the development of expert personnel in companies and other entities. The Ministry of Health, Labour and Welfare is also contributing to the promotion of decent work for workers, mainly in the Asia-Pacific region, by providing technical cooperation through voluntary contributions to the ILO to help resolve issues related to business and human rights such as occupational safety and health, and child labor.

(2) Measures of the Government as an Actor regarding State Duty to Protect Human Rights

Mr. Nakatani, Special Advisor to the Prime Minister of Japan for international human rights issues, attended the United Nations Responsible and Human Rights Forum, Asia-Pacific, held in Bangkok (Thailand) in September 2022 and the UN Forum on Business and Human Rights held in Geneva in November 2022 to promote Japan's efforts on business and human rights" to the outside world, and also appealed to other countries for facilitating further efforts. In addition, he visited Hanoi (Vietnam) in September and Dhaka (Bangladesh) in February 2023 to exchange views with the counterpart governments and local Japanese business enterprises on promoting respect for human rights in the supply chains and supporting the formulation of their national action plans on business and human rights.

In addition, from the perspective that the government itself, as one of the economic entities, should lead the initiative in promoting respect for human rights, the relevant ministries and agencies have started to develop a mechanism to promote respect for human rights in business enterprises by means of public procurement.

(3) Measures regarding Access to Remedy

The revised Whistleblower Protection Act came into effect in June 2022, obliging enterprises to establish a system necessary for appropriately dealing with internal whistleblowing disclosure(s) with an effort obligation for small- and medium-sized businesses, and the Consumer Affairs Agency has been raising awareness of the measures that businesses should take.

The OECD Working Group on Responsible Business Conduct has been in the process of updating the OECD Guidelines for Multinational Enterprises. Strengthening the functions of the National Contact Points (hereinafter referred to as "NCPs"), which are established under the said Guidelines, is one of the key issues of the discussions, to which Japan has actively contributed. In addition, in July 2022, the Procedural Guidance of the Japanese NCP was revised to include new provisions which enable the Japanese NCP to seek advice from and consult with experts who are knowledgeable in relevant fields.

(4) Cross-Cutting Areas

During the second year of the NAP, following the first year, the "Study Session of Minister of Justice about Technical Intern Training Program and Specific Skilled Worker System" was held at the MOJ to hear a wide range of opinions from experts in various fields regarding this topic and to identify problems. In addition, since the Specified Skilled Worker System and the Technical Intern Training Program are required to be examined in accordance with the Supplementary Provisions of the Law Concerning the Proper Implementation of Technical Intern Training for Foreign Nationals and the Protection of Technical Intern Trainees (Law No. 89, 2008) and the Law for Partial Revision of the Immigration Control and Refugee Recognition Act and the Ministry of Justice Establishment Act (Law No. 102, 2008), it was decided in November 2022 that the Advisory Council on Technical Intern Training Program and Specified Skilled Worker System would be held under the Council of Advisory Panel of Experts for the Realization of a Society of Harmonious Coexistence with Foreign Nationals, with the aim of reviewing the implementation status of both systems, identifying issues, discussing measures to properly accept foreign human resources and providing opinions to the aforementioned Council of Advisory Panel. During the second year of the NAP, the said Advisory Council was held four times.

Through JICA's lateral support, a pilot project for a multi-stakeholder platform (Japan Platform for Migrant Workers towards Responsible and Inclusive Society: JP-MIRAI) to solve issues of foreign workers in Japan, in which companies can participate, was launched in May 2022. As part of this program, the project supports the establishment of grievance mechanism for the participating enterprises.

3 Summary

As mentioned above, in the second year of the NAP, particular progress was made in measures related to domestic and global supply chains, and promotion of human rights due diligence based on the UNGPs, public procurement, and acceptance and coexistence of foreign human resources.

Amidst growing interest in business and human rights at various levels in Japan and abroad, the government, while striving to understand the relevant international trends and the status of

efforts by Japanese business enterprises, will protect and promote human rights for society as a whole, including international society, ensure and enhance the international competitiveness and sustainability of Japanese business enterprises, and contribute to achieving the SDGs, by steadily implementing the various measures described in the NAP.