

Japan's NAP on Business and Human Rights: Everything depends on future efforts

~Comments from civil society on the release of the NAP~

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The Civil Society Platform for Japan's Nation Action Plan on Business and Human Rights

The National Action Plan on Business and Human Rights (NAP) has been released, and the nearly four-year development process will now enter a new phase of implementation, monitoring and revision of the NAP.

We would like to once again commend the Japanese government, which has worked hard to coordinate a new issue, "business and human rights", since announcing its formulation in the fall of 2016.

At the same time, the announced NAP is still inadequate and must overcome a multitude of issues.

The Civil Society Platform for Japan's Nation Action Plan on Business and Human Rights (BHR-Platform), which was established to reflect civil society perspectives in the NAP development process, has consistently called for the following points from a civil society perspective at each stage of the development process, including in its Initial Recommendations in May 2017.

1. Base the formulation process, including the review and update process, on the Guidance on National Action Plans on Business and Human Rights published by the UN Working Group on Business and Human Rights (UNWG NAP Guidance), to ensure inclusiveness and transparency in accordance with the UNGPs;
2. Base the principal part of the NAP on international human rights standards and the UN Guiding Principles on Business and Human Rights (UNGPs);
3. Ensure policy coherence through all relevant ministries, agencies, and local governments by raising awareness of and knowledge about business and human rights issues among representatives of those bodies;
4. Ensure that officials responsible for NAP formulation engage in meaningful dialogues with non-governmental stakeholders;
5. Conduct a meaningful baseline study and ensure that adverse human rights impacts and gaps are exhaustively identified;
6. Ensure a strong government commitment to address adverse human rights impacts;
7. Take full account of the views of vulnerable or marginalized individuals and groups, based on the principles of non-discrimination and equality;
8. Include the necessity of a national human rights institution and a concrete roadmap towards its establishment, in full conformity with the UN Paris Principles.

As we move from the formulation process to the implementation, monitoring and revision process, we are compelled to reiterate these requests above. Although the 30-page NAP contains some statements related to these requests, many of them just maintain the status-quo due to a lack of adequate gap analysis between current measures and human rights issues on the ground. The discussion on national human rights institutions, which has been frequently mentioned in international human rights treaty reviews and is considered to play an important role in access to remedies in the UNGPs, is also insufficient.

Whether policies in line with the UNGP will be realized depends on how the NAP is implemented in the future, how it is monitored by appropriate indicators, and how serious and transparent discussion takes place in the revision process.

Socially vulnerable and marginalized people are left behind to face the negative impacts of corporate activities. Those working in the workplace and at the end of supply chains are not being valued nor having their rights realized which they take for granted as people. The national and international situation is becoming more serious as the climate crisis has an ever-increasing impact on human rights and due to the increased impact of COVID-19. States must fully fulfill their obligations to protect human rights in response to these shared national and international challenges.

In the face of this severe reality, this NAP must work towards a sustainable future in which the human rights of every individual are respected. In stating that it is "Committed to SDGs", the NAP must actually ensure the promotion and implementation of SDGs. Everything depends on future efforts.

The position expressed in our Initial Recommendations in May 2017 to "work in addressing the shared challenge with the government to ensure that everyone is protected from human rights violations by businesses, while being aware of our responsibilities as a stakeholder in the process of developing a NAP", has not changed since the NAP was introduced.

We remain committed to the effective implementation and continuous improvement of the NAP on Business and Human Rights, working in partnership with the broader community in the country and abroad so that the human rights of every citizen are realized.