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ira international rights advocates

INVESTOR ALLIANCE FOR HUMAN RIGHTS  
AN INITIATIVE OF ICCR

JANIC

特定非営利活動法人  
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Japan Uyghur Association

KTNC Watch



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RESPONSIBLE sourcing network

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Réseau des Organisations de la Société Civile pour le Développement du Tonipi  
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VERITÉ  
Fair Labor. Worldwide.

WALK FREE

April 26, 2023

Prime Minister, Mr. Kishida Fumio

Minister of Economy, Trade and Industry, Mr. Nishimura Yasutoshi

Minister of Foreign Affairs, Mr. Hayashi Yoshimasa

Minister of Health, Labour and Welfare, Mr. Kato Katsunobu

Minister of Justice, Mr. Saito Ken

**NGO Joint Letter Requesting the Establishment of a Mandatory Due Diligence Law and Other Legal Measures to Ensure Human Rights Due Diligence**

Dear Prime Minister Kishida,

We write to you on behalf of an international collection of NGOs in recognition of Japan's strong influence in the Asia-Pacific region, and in advance of the G7 Summit to be held in Hiroshima in May 2023, to request and call for your administration to immediately introduce: (i) a mandatory human rights due diligence law, including clauses on value chain civil liability and (ii) other measures to ensure that business activities and value chains are free from adverse human rights impacts, for example, (a) a forced labor import ban to stop goods tainted by forced labor from being imported to and sold in Japan; (b) export regulations that consider and address adverse human rights impacts of exported goods; (c) government procurement requirements that ensure tendering parties seeking to enter into government contracts relating to the provision of goods and services conduct human rights due diligence on their value chains, as well as ensure those chains are free from adverse human rights impacts (e.g., forced labor); (d) human rights sanctions to penalize individuals and companies that are known or likely perpetrators of human rights abuses; (e) after Japan adopts robust mandatory human rights due diligence laws, introducing new provisions in trade agreements encouraging trade partners to introduce their own human rights due diligence laws and related human rights policies; and (f) enacting comprehensive legislation to curb the use of Strategic Litigation Against Public Participation (SLAPP) by businesses and public figures against workers, human rights defenders, and journalists. It is also extremely important that these measures are designed and operated without political bias and with the aim of protecting the human rights of individual people.

Serious human rights violations, such as slavery and exploitation in the form of forced labor, which are frequently found among foreign technical interns, child labor, oppression through surveillance, serious discrimination against socially vulnerable people and minorities, and abuses against the human right to a clean, healthy, and sustainable environment are widespread and occur in numerous value chains distributed within Japan and throughout the world, including those linked to development projects by ODA, causing serious impacts on the global economy. The need for the government and private companies to address the negative human rights impacts in their value chains and to take responsible actions to stop human rights violations and prevent the risk thereof

has become increasingly urgent, and it must no longer be ignored.

In recognition of this issue and following the Guiding Principles on Business and Human Rights adopted by the UN Human Rights Council in 2011, Japan formulated the "Action Plan on Business and Human Rights (2020-2025)" in October 2020, and in September 2022 it established the "Guidelines on Respecting Human Rights in Responsible Supply Chains". We welcome these efforts by the Japanese government; however, they would become far more effective if supported by related legislation.

Considering that other G7 countries are rapidly introducing laws and measures to ensure human rights due diligence, Japan's efforts seem insufficient and pale in comparison with those of its G7 peers. We urge the Japanese Government to consider rapid movement toward the introduction of detailed laws and measures that require companies to ensure their business activities and value chains are free from adverse human rights impacts.

In order for companies to address human rights violations and their risks and to ensure effective prevention of and remedies for negative impacts on human rights, it is essential for Japan to introduce (i) a mandatory human rights due diligence law, including clauses on value chain civil liability and (ii) other measures requiring companies to ensure their business activities and value chains are free from adverse human rights impacts.

Although voluntary measures do exist, in many cases these voluntary measures are not taken in precisely the business areas and value chains where serious human rights violations are occurring. Legislation is needed to ensure a level playing field throughout the world.

It is also extremely important that these measures are designed and implemented in a way that actually serves to meet the needs of individual people for human rights remedies and not as a political tool. Legislation on this issue is also a duty of the Japanese government arising from the "state duty to protect human rights" confirmed in the UN Guiding Principles.

Therefore, in order to demonstrate Japan's leadership in the area of human rights and in advance of the G7 summit in Hiroshima this May, we strongly urge the Japanese government to accelerate its efforts to introduce immediate legislation establishing a mandatory human rights due diligence law and other measures to ensure that business activities and value chains are free from adverse human rights impacts in alignment with the UN Guiding Principles. Japan's bold stance on this issue will make the country a global leader and its laws a global standard in this vital area.

Specifically, we request introduction of the following:

- a mandatory human rights due diligence law, including clauses on value chain civil liability;
- other measures to ensure that business activities and value chains are free from adverse human rights impacts, such as:
  - (a) a forced labor import ban law to stop the importation into Japan of goods tainted by forced labor;
  - (b) a clause in Japan's export regulations that considers adverse human rights impacts;
  - (c) government procurement requirements to ensure that tendering parties seeking to enter into contracts with the Japanese government and/or sell goods and services to the Japanese government perform human rights due diligence on their value chains;
  - (d) human rights sanctions to penalize individuals and companies that are known or likely perpetrators of human rights abuses;

- o (e) after Japan adopts robust mandatory human rights due diligence laws, introducing new provisions in Japan's trade agreements encouraging its trade partners to introduce their own human rights due diligence laws and related human rights policies; and
- o (f) enacting comprehensive legislation to curb the use of Strategic Litigation Against Public Participation (SLAPP) by businesses and public figures against workers, human rights defenders, and journalists.
- that these measures be designed and operated without political bias and with the objective of serving to meet the needs of individual people for human rights remedies.

The G7 Summit in Hiroshima is an extremely important opportunity for the Japanese government to demonstrate its respect for human rights in a tangible, lasting way. As international organizations, we appreciate and laud the Japanese government's efforts in this area to date, and we urge the Japanese government to seize this opportunity to take prompt and effective action to demonstrate Japan's respect for human rights on a global scale and to become a world leader in the area of business and human rights initiatives.

We thank you for your time, consideration, and support.