

UN Working Group on Business and Human Rights

Country Visit to Japan, 24 July to 4 August 2023

End of Mission Statement

Tokyo, 4 August 2023

Introduction

The United Nations Working Group on Business and Human Rights concluded today its twelve-day visit to Japan. We thank the Government of Japan for the invitation to conduct this country visit and its excellent cooperation in country and from its Permanent Mission in Geneva. We are especially grateful for the open and constructive discussions that we have had with officials of the Government, business community, civil society, industry associations, trade unions, workers, academia, lawyers, and other stakeholders who met with us to discuss the progress, opportunities and challenges with the implementation of the [UN Guiding Principles on Business and Human Rights](#) (UNGPs) in Japan.

During the visit, we met with the Special Advisor to the Prime Minister of Japan on Human Rights, and the Ambassador for Human Rights and International Peace and Stability. We also met with representatives of the following Government ministries, agencies and State bodies: Ministry of Foreign Affairs (MOFA); Ministry of Economy, Trade and Industry (METI); Ministry of Justice; IDE-JETRO; Ministry of Health, Labour and Welfare (MHLW); Cabinet Office; Consumer Affairs Agency; the National Contact Point (NCP); Ministry of Agriculture, Forestry and Fisheries; Financial Services Agency; Japan International Cooperation Agency (JICA); Japan Bank for International Cooperation (JBIC); Ministry of Finance; and Ministry of Environment (MoE). We met with local governments, including Osaka Prefectural Government and the Japan Association for the 2025 World Exposition, the Tokyo Metropolitan Government, and the City of Sapporo. In addition, the Working Group held meetings with members of the National Diet (Parliament).

During our meetings in Tokyo, Osaka, Aichi, Hokkaido, and Fukushima, we met with the following businesses and private sector associations: Ajinomoto; Akao Nenshi K.K; Asahi Group Holdings Ltd.; Fast Retailing / Uniqlo; Fuji Oil Group; Fujitsu; Global Compact Network Japan; Johnny & Associates; Keidanren (Japanese Business Federation); Kirin Group; McDonald's; Mitsubishi Corporation; Mitsubishi UFJ Financial Group; National Conference of Association of Small Business Entrepreneurs; Rakuten; Sony Corporation; Suntory; Takase Kanagata Molding Systems; Tokyo Electric Power Company (TEPCO); and the Consumer Goods Forum. We also met with representatives of civil society, including human rights defenders, journalists, academics, workers, and trade unions. The Working Group also met with international organizations operating in Japan, such as the International Labour Organization.

In this final phase of the visit, we are pleased to share our preliminary observations. The Working Group will submit a full report on its visit to Japan to the UN Human Rights Council in June 2024.

General Context of Business and Human Rights in Japan

Japan became the second country in the Asia-Pacific region to develop a National Action Plan (NAP) on Business and Human Rights in 2020 and released Guidelines on Respecting Human

Rights in Responsible Supply Chains in 2022. Against this backdrop, the Working Group's visit provided an opportunity for the Government to show its ongoing efforts and leadership in promoting responsible business conduct at national, regional, and global levels.

State duty to protect human rights

We welcome the Government's efforts in adopting a NAP. We also commend the Government for ensuring that the development of the NAP followed a multi-stakeholder process by establishing an advisory committee and working group to guide its implementation. However, we observed a general lack of awareness of the UNGPs and the NAP, especially outside of Tokyo. The Government should take a leading role in conducting training and awareness-raising workshops on the UNGPs and the NAP.

There is a need to ensure that all relevant actors across all 47 prefectures, including businesses and business associations, as well as trade unions, civil society, community representatives, and human rights defenders, fully understand their human rights duties and responsibilities under the UNGPs and the NAP. Thus far, these actors seem not to have been fully engaged in the development of the NAP, with many stakeholders at the local level indicating no awareness of the NAP's existence. We also heard from diverse stakeholders about how the lack of transparency vis-à-vis the status of the NAP has contributed to gaps in the practical implementation of the UNGPs and, more broadly, in human rights protection in the Japanese context.

The NAP mid-term review process thus provides an opportunity for the Government to fully engage with all relevant stakeholders. The review should pay special attention to business-related human rights abuses experienced by marginalised communities such as migrant workers, and strengthen access to remedy and corporate accountability in line with the Working Group's previous guidance on updating NAPs.¹ The revised NAP should include a gap analysis of business and human rights policies, identify priority issues, and clarify the modalities for implementation, including clear responsibilities of all relevant entities, timeframes, and key performance indicators to monitor and evaluate success.

The Government should also make a continued and even stronger effort to ensure that State-owned enterprises (SOEs), such as JBIC and TEPCO, are leading by example. This can include measures such as requiring systematic and meaningful reporting on environment, social, and governance (ESG) factors that include human rights indicators and ensuring victims' access to remedy by, inter alia, requiring businesses' full cooperation with judicial and non-judicial grievance mechanisms, as well as the provision of effective remediation for abuses. The Working Group highlights its reports on SOEs and development finance institutions for further guidance.²

The Working Group was pleased to learn of positive initiatives, such as the Ministry of Agriculture, Forestry and Fisheries' plans to develop human rights due diligence (HRDD) guidelines for the food industry supply chain, and the Government's work to raise awareness on business and human rights overseas through, for example, its push for the inclusion of relevant language in the G7 Hiroshima Leaders' Communiqué and efforts to deepen discussion on the UNGPs beyond the G7 countries.

Corporate responsibility to respect human rights

¹ <https://www.ohchr.org/en/documents/tools-and-resources/guidance-national-action-plans>

² A/HRC/32/45; A/HRC/53/24/Add.4

Throughout our consultations, the Working Group heard candid reflections from the business community about the progress and challenges vis-à-vis the implementation of the UNGPs. Business stakeholders reported positive practice developments, such as initiatives to provide employees with continuous human rights education and the development of operational-level grievance mechanisms, including reporting hotlines. At the same time, they admitted that considerable gaps remain in relation to a variety of issues, including the treatment of migrant workers and technical interns, the *karoshi* culture of overwork, and their ability to monitor and reduce human rights risks in the upstream and downstream of their value chains.

In this context, the Working Group observed three fundamental issues. First, there are significant gaps in understanding and in the implementation of the UNGPs among different types of businesses. Discrepancies in awareness exist between large businesses, especially transnational corporations that have a fairly advanced comprehension of what is required of businesses under the UNGPs, including regarding HRDD processes, and the country's SMEs, which constitute 99.7% of the total number of companies in Japan. Indeed, the low level of awareness of the UNGPs among SMEs, including family-owned businesses, led many stakeholders to underscore the need for the Government to provide tailored guidance and capacity-building to SMEs. Noting the general need for a stronger civil society, as articulated by stakeholders including businesses, the Working Group welcomed efforts made by the City of Sapporo and LGBTQI+ civil society to engage local SMEs in raising awareness about the importance of SMEs in promoting an inclusive society, including through the Sapporo Rainbow Pride event.

Further, private sector representatives spotlighted how more efforts were required to encourage the uptake of the UNGPs by other types of businesses, such as retailers and trading companies, due to the central role they play in providing information to businesses and securing procurement. These players can use their leverage to encourage national brands and suppliers along their value chains to apply the UNGPs.

Second, different stakeholders from the business community communicated to the Working Group the need for the Government to be more active in discharging its duties under Pillar 1 of the UNGPs. There was a general sentiment that the Government has been making promising progress in the business and human rights area, with METI, MOFA, and MHLW, among others, playing key roles in this regard. Even so, the Working Group observed how some of the large Japanese businesses are ahead of the Government's UNGPs-related guidelines, with their human rights policies and grievance mechanisms pre-dating the release of the NAP. The Government should engage more with these businesses to build a common understanding of positive practices and the challenges that remain.

Additionally, a clear demand was articulated by business representatives for more practical guidance from the Government on exigent issues, ranging from how to conduct heightened HRDD and responsible exit through to the regulation of value chains. Most businesses that the Working Group met with indicated the desirability of mandatory HRDD, which can assist with "levelling the playing field" among businesses and allow for greater alignment among the Government's policies and standards. In the absence of more robust HRDD requirements, the business community suggested that SMEs will have little incentive to adopt the UNGPs. It was also suggested that for the financial sector, there is a need for a legal basis to advance HRDD practices and, as such, the Government needs to take action.

Finally, the need for timely, tailored and needs-driven capacity-building was a central message conveyed to the Working Group by members of the business community. As indicated above, they acknowledged the importance of Government involvement in this area alongside the

pivotal roles played by larger businesses and civil society in contributing to UNGPs-related awareness-raising and training in their business relationships. Some stakeholders noted, for example, the growing demand for auditor training on human rights as well as guidance on how SMEs can conduct stakeholder engagement better. In this sense, the Working Group highlights its report on capacity-building.³

Access to remedy

State-based judicial mechanisms

During our visit, the Working Group identified salient areas of concern regarding access to justice and effective remedy, including obstacles to accessing courts in Japan. One critical issue we observed is the low awareness of judges about the UNGPs and broader human rights issues in the context of business activities, such as those concerning LGBTQI+ persons. To address this, we strongly recommend implementing mandatory human rights training for judges and lawyers, including training on the UNGPs. We also heard from stakeholders how lengthy court proceedings can hinder access to remedy. We received testimonies that there are cases where plaintiffs do not receive adequate financial or other forms of compensation, due to a lack of adequate sanctions and application of court decisions.

We welcome the Japan Legal Support Center, established in 2006 and funded by the Government, which provides legal services free of charge to non-Japanese and Japanese residents with limited financial resources. The Government should increase the visibility of this program, particularly among the most marginalized groups, to enhance access to justice. In addition, we also heard of initiatives by the Ministry of Justice to facilitate access to remedy, including human rights promotion and protection activities to raise awareness about human rights, and the digitalisation of civil proceedings.

State-based non-judicial grievance mechanisms

National human rights institutions (NHRIs) play a crucial role in enhancing remediation processes in cases of business-related human rights abuses, and in promoting business and human rights training for business actors, auditors, judges, and public defenders.⁴ The Working Group is deeply concerned by the lack of a dedicated NHRI in Japan which, as raised by many stakeholders, creates a major gap in Government efforts to promote respect of human rights by businesses and corporate accountability.

The Working Group urges the Government to establish a robust and independent NHRI in line with the Principles Relating to the Status of National Human Rights Institutions (or Paris Principles). The NHRI should be equipped with an explicit mandate to deal with business-related human rights abuses, and enough resources and powers, including to provide civil remedies, raise awareness, build capacity on business and human rights, and protect human rights defenders. The NHRI should also develop close collaboration with NHRIs of other countries and the National Contact Point (NCP) of the Organisation for Economic Co-operation and Development (OECD).

Japan established its NCP under the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines) in 2000, with the explicit mandate to handle disputes related to business and human rights and, more generally, on responsible business conduct. However, many stakeholders underscored that the NCP lacks visibility and

³ A/HRC/53/24

⁴ A/HRC/47/39/Add.3

impact. With only fourteen cases taken up in its twenty-three years of existence, more steps are needed to enhance the visibility, institutional capacity, and expertise of the NCP to provide effective remedial outcomes. It is also critical that the NCP is seen to be independent and credible by all stakeholders. The NCP should consider developing awareness-raising tools about the OECD Guidelines as well as its mandate, including in languages spoken by migrant workers and affected stakeholders in overseas jurisdictions.

Non-State-based grievance mechanisms

In addressing key business and human rights issues in Japan, the Working Group emphasises the importance of effective non-State based grievance mechanisms. While most of the large businesses that the Working Group spoke with had operational grievance mechanisms in place, some stakeholders expressed fear of reprisals (such as losing their jobs) from reporting workplace misconduct. The Whistleblower Protection Act obliging businesses to establish a system for internal whistleblowing disclosures is a positive step in the right direction.

The Working Group reiterates that businesses should provide effective grievance mechanisms for rights holders, in accordance with the UNGPs (Principle 31). Some good practices we observed include establishing grievance mechanisms open to all stakeholders, or setting up dedicated grievance mechanisms for the value chain. The Engagement and Remedy Platform by the Japan Center for Engagement and Remedy on Business and Human Rights (JaCER) is a notable example, fostering “know-how” accumulation and offering a non-judicial platform for its members to achieve grievance redress based on the UNGPs.

The Working Group was pleased to learn about some State agencies’ grievance reporting hotlines and commends the establishment of Japan Platform for Migrant Workers towards Responsible and Inclusive Society (JP Mirai), which includes a grievance mechanism available to all migrant workers. The mechanism is available in nine languages and provides expert consultation services. We encourage JP Mirai to continue efforts to increase its visibility and build trust among Japan’s migrant worker communities.

Stakeholder Groups and Issue-Areas of Interest

The Working Group was informed by different stakeholders about business-related human rights concerns across a variety of sectors, ranging in levels of severity as well as public awareness. For this Statement, the Working Group focuses its preliminary assessment on the following thematic issue-areas, which were discussed at length in our consultations: diversity and inclusion, discrimination and harassment (including hate speech), labor-related abuses, Indigenous Peoples’ rights, regulation of value chains, as well as impacts on the right to health, the right to a clean, healthy and sustainable environment, and on climate change.

Challenges were particularly evident in relation to women, LGBTQI+, persons with disabilities, *Buraku* communities, Indigenous Peoples and ethnic minorities, technical interns and migrant workers, workers and trade unions, as well as children and youths. It is important to stress, however, that this is not an exhaustive list. The Working Group was also informed about issues pertaining to the exploitation of sex workers and discrimination against homeless people, for instance.

At-risk stakeholder groups

Women

We note with concern Japan’s persistent gender wage gap, with full-time female workers earning only 75.7% of their male counterparts’ wages. Considering Japan’s low gender gap index ranking at 125th out of 146 countries in 2023, it is imperative that the Government and

businesses collaborate to narrow this disparity. The prevalence of part-time work contracts among women, which account for 68.2% of all the non-regular workers,⁵ further reflects gender disparities in the Japanese workforce, as non-regular female workers earn only 80.4% of their male counterparts. We commend the Government's recent requirement for large companies to disclose their gender wage gaps;⁶ however, it is vital to expand the scope of this initiative and ensure comprehensive efforts for equal pay and opportunities for all workers, irrespective of gender and sexual orientation.

Further, while noting the adoption of the 2018 Act on the Promotion of Gender Equality in the Political Field and the approval of the Fifth Basic Plan for Gender Equality, the underrepresentation of women in executive management—women comprise just 15.5% of employed people—remains a concerning trend that demands greater attention from the Government and the private sector. Reports of women being denied promotions and worrying cases of sexual harassment highlight the need for promoting gender diversity in leadership and decision-making roles. Robust measures must be enforced by the Government and implemented by businesses to combat sexism and create safe and respectful workplaces.

LGBTQI+

We acknowledge the Government's recent enactment of a law to promote understanding of LGBTQI+ people. While there have been other encouraging developments, such as the Supreme Court's recent ruling on restroom access for transgender individuals and an increasing number of local governments implementing partnership systems for same-sex couples, major challenges persist. Throughout our visit, we were informed on multiple occasions of instances of discrimination against LGBTQI+ persons. Worrisome workplace practices, such as demanding transgender individuals to disclose their legal names and pre-transition photos on job applications, further underline the need for comprehensive non-discrimination legislation to effectively safeguard the rights of LGBTQI+ persons.

One emerging positive practice observed during our visit to the City of Sapporo was its LGBT-Friendliness Index System, which evaluates and registers companies promoting LGBT-friendly initiatives based on specific indicators. Although public awareness of the system remains limited, it represents an important step towards greater inclusion, and the Working Group encourages other cities in Japan to adopt similar measures to encourage corporate initiatives that support LGBTQI+ persons and respect their rights.

Persons with disabilities

One of the pressing challenges in Japan is the inclusion of persons with disabilities in the labour market and workplace. The Act for the Promotion of Employment for Persons with Disabilities sets, among others, legal employment quota rates for persons with disabilities; the legal quota for the private sector is 2.3%, and for State entities it is 2.6%. National statistics indicate an actual employment rate of persons with disabilities respectively at 2.25% and at 2.85% in the State.⁷ This demonstrates that there is room for further improvement, given that the total percentage of people with disabilities in the population is 7%. The Working Group also heard with concern the experiences of persons with disabilities who are exposed to workplace discrimination, lower salaries, and difficulties with accessing adequate support through the assistance system.

⁵ https://www.gender.go.jp/kaigi/senmon/keikaku_kanshi/siryō/pdf/ka22-1.pdf

⁶ Through the 2022 revisions to the Ministerial Ordinance of the Act on Promotion of Women's Participation and Advancement in the Workplace.

⁷ <https://www.mhlw.go.jp/content/001027403.pdf>

We encourage the Government to follow up on the recommendations made by the UN Committee on the Rights of Persons with Disabilities, with respect to ensuring accessible workplaces and providing comprehensive training to employers on respecting and implementing individualised support and reasonable accommodations. To ensure equal opportunities for all and “leave no one behind”, it is crucial for the Government and businesses to recognise and address the intersectionality of gender, race, sexual orientation, and disability. The Government of Japan must also ensure accessibility for persons with disabilities in official documents, such as the National Action Plan, to promote their full inclusion and participation in society.

Indigenous Peoples

The recognition of the Ainu people as Indigenous Peoples, together with the passing of the Ainu Measures Promotion Act of 2019, with the aim of safeguarding and revitalising their culture and heritage, marks a positive move towards acknowledging their rights. However, the absence of a census of the Ainu population renders their discrimination invisible and uncounted, with Indigenous Ainu People still facing discrimination in education and the workplace, necessitating measures to ensure their rights without discrimination and equal opportunities.

Noting the Government’s efforts to promote cultural education about the Ainu people through tourism for example, the Working Group is concerned about reports received of racial harassment and psychological stress faced by Ainu workers at the National Ainu Museum and Park (*Upopoy*). Furthermore, we were informed that Article 28 of the Law for the Protection of Fisheries Resource prohibits, with limited exceptions, the harvesting of freshwater salmon by all Japanese, including the Ainu people, without due consideration of their fishing rights as Indigenous Peoples. We have also been informed that the free, prior, and informed consent (FPIC) of the Ainu people was not obtained for various development projects, including those in the renewable energy sector, and note with concern the adverse impacts of projects on the Ainu people and their rights.

To uphold the Ainu people’s rights, ensuring FPIC by the Government and businesses is essential, as outlined in the UN Declaration on the Rights of Indigenous Peoples. We urge the Government to recognise Ainu collective rights, including to lands and natural resources.

Buraku communities

The Working Group learned about human rights issues surrounding *Buraku* people, also referred to as *Dowa*. While Japan approved the Act on the Promotion of Elimination of Buraku Discrimination (Act No. 109 of 2016), the Working Group learned of a pattern of hate speech (particularly online and in the publishing industry) and workplace discrimination (for example, through job screening questionnaires). While some successfully won lawsuits against discrimination, the Working Group was alerted to how Japan’s long court proceedings make it difficult to access remedy. The Working Group also learned of positive practices, which include coordination committees comprised of businesses that work with affected stakeholders to reduce discrimination through, for instance, providing training programs to employees. Other examples include initiatives by local governments to raise awareness and fight discrimination, the MOJ’s consultation channels, and the MHLW’s guidance to establish a human rights focal point for businesses with 80 or more employees. As indicated by the fair recruitment and selection human rights awareness promoter scheme, employers are required to ensure “fair recruitment selection based on the understanding and recognition of human rights issues, such as Dowa issues”.⁸

⁸ <https://kouseisaiyou.mhlw.go.jp/system.html>

Trade unions

The Working Group observed positive practices among the labour unions in Japan that support foreign technical workers. However, we remain concerned about the difficulties in unionising, barriers to freedom of assembly including the organisation of strikes across different sectors, as well as instances of arrests and prosecution of union members.

Thematic Areas

Health, climate change, and the natural environment

During our visit, the Working Group observed that among many stakeholders, awareness of the link between the impact of business activities on human rights, including the rights to health and to a clean, healthy and sustainable environment is still weak. We are also concerned that the Government and businesses are not doing enough to ensure a transition to a zero-carbon economy. We call on these stakeholders to step up their efforts to address climate change, and to keep in mind human rights considerations for a just transition, especially in the sourcing of transition minerals.

The Working Group welcomes the MOE's environmental due diligence initiatives, such as the Introductory Guide on Environmental Due Diligence along the Value Chain, which includes reference to the UNGPs and human rights. Some businesses are also taking promising steps by, for example, establishing supplier codes that include human rights and environmental due diligence considerations. But despite these developments, there remains a lack of Government mechanisms to address stakeholders' concerns about environmental issues, particularly when it comes to Indigenous Peoples.

The Working Group met with several stakeholder groups affected by the Fukushima Daiichi nuclear disaster. The Working Group learned that TEPCO has recently established a human rights policy, a procedure for human rights due diligence, and a grievance mechanism. However, affected stakeholders reported concerning labour practices in relation to the clean-up and decontamination effort, and the decommissioning of the power station. The Working Group listened with deep concern about instances of forced labour, predatory subcontracting practices, and unsafe working conditions. We also heard about the issues faced by hospital workers and schoolteachers in the aftermath of the disaster, highlighting the need for remedy for all stakeholders affected.

In terms of forced labour, the Working Group heard that some workers of TEPCO's subcontractors were reportedly forced to work on the decontamination and the decommissioning of the nuclear power station to pay off debts. We also heard that while the use of multiple subcontractors was banned on paper; in reality, TEPCO had subcontractors going down to Tier 5, which meant that workers on lower tiers of the subcontracting ladder received lower wages for performing the same job. Other workers were promised certain wages and hazard pay, but once they were on the job were informed that they would be paid much less. We also heard from workers whose colleagues died from heat stroke and other workplace accidents. Further, we heard that workers were afraid to speak up, as those who voiced concerns were often dismissed, despite TEPCO's grievance mechanism. The Working Group was concerned to learn about workers who had developed cancer-related illnesses after their clean-up and decontamination work but were denied financial compensation or medical assistance by TEPCO's subcontractors, as employment records did not indicate exposure to radiation.

The Government and TEPCO should recognise the heroic efforts of all of those involved in the clean-up efforts following the Fukushima Daiichi nuclear disaster, take concrete steps to reduce the multiple subcontracting structure, ensure that workers are properly and retroactively compensated, and recognise workers' health concerns as work-related illnesses.

In addition to operational health and safety issues related to the disaster, we repeatedly heard concerns about the discharge of treated water from the Fukushima Daiichi Nuclear Power Station. We call on the Government to fulfil the right to information by making all data related to the treatment of the water publicly available, in particular information about the absolute amount of nuclear material in the water.

The Working Group also heard several cases of water contaminated with per- and polyfluoroalkyl substances (PFAS) in Tokyo, Osaka, Okinawa, and Aichi. Concerned stakeholders indicated that neither the local nor national Governments are taking sufficient steps to address the presence of these “forever chemicals” in the water supply, and call for water and soil sampling, and monitoring on the impacts on the right to health. We would like to highlight the responsibility of the businesses involved to address this issue, as required under the UNGPs and the “polluter pays” principle.

Technical intern training programme and migrant workers

The Working Group met with foreign workers under the Technical Intern Training Programme (TITP) and their employers, and with large companies whose value chains include the use of TITP workers. TITP workers were the second largest category of foreigners in Japan in 2022. Most of them come from Asian countries such as Vietnam, China, the Philippines, and Myanmar. While the purpose of the TITP is supposed to be human resource development, these workers also play a key role in addressing the labour shortage in Japan.

Despite this, foreign workers in Japan are in high-risk situations and have difficulty accessing information, as a result of the language and mediums through which the information is shared, and comprehending cumbersome application processes. During our visit, we heard cases of foreign workers being fired after suffering from workplace accidents (and thus having their treatment discontinued); of their cramped living conditions; of the payment of exorbitant fees to agencies in workers’ home States; and of workers performing the same duties for lower wages than their Japanese counterparts. At the same time, the Working Group learned of some positive practices, for example of recipient unions that assist workers to understand their rights and act as grievance mechanisms. The Working Group also heard of the work that SME associations are doing to encourage responsible hiring practices and management, and how several large businesses have supplier codes of conduct which forbid recruitment fees for foreign technical workers and require their suppliers to repay the fees to employees.

The Working Group understands that the Government is aware of many of the human rights issues surrounding the TITP, which is currently under review by an expert panel. We expect the Government to include explicit human rights protections in this revision, including working with home States to abolish recruitment fees, simplifying the application system, increasing flexibility for trainees to switch jobs, and to ensure the enforcement of equal wages for equal work as required under Japanese law.

Finally, we heard cases of discrimination against ethnic Korean and Chinese workers, including repeated instances of hate speech by employers. Cases filed by certain victims relating to hate speech took many years to go through the Japanese court system; and according to testimonies received, even when the plaintiffs won, there was no financial compensation, hindering access to remedy.

Media and entertainment industry

The Working Group observed deeply troubling issues within the media and entertainment industry. The industry’s exploitative working conditions, along with the lack of labour law protection for workers and a clear legal definition of harassment, foster a culture of impunity for sexual violence and harassment. We were informed, for example, about the sexual

harassment and abuse of female journalists and the lack of remedial action taken by broadcasting stations. We were also alerted to excessively long working hours and issues related to unfair subcontracting relationships in the animation sector, with creators often given contracts that inadequately protect their intellectual property rights.

Our interactions with victims of sexual harassment involving Johnny and Associates talents have exposed deeply alarming allegations of sexual exploitation and abuse involving several hundreds of the company's talents, with media companies in Japan reportedly implicated in covering up the scandal for decades. We note that several measures have been taken by the Government over the last 20 years in relation to the prevention of child sexual abuse. However, the perceived inaction by the Government and the business involved among victims that we met in this case highlights the need for the Government, as the primary duty-bearer, to ensure transparent investigations of perpetrators and that victims obtain effective remedies, be they in the form of an apology or financial compensation. According to testimony received, doubts persist about the transparency and legitimacy of Johnny and Associates' Special Team (or Independent Team) for investigation. We have received reports of the lack of response to victims seeking mental health consultations from Johnny and Associates' Mental Care Consultation Desk. To comply with the UNGPs, all media and entertainment businesses must facilitate access to remedy, ensure a legitimate and transparent grievance mechanism, and establish a clear and predictable timeframe for investigations. We urge all Japanese businesses, especially but not only in this industry, to proactively conduct HRDD to identify and address abuse.

Conclusions

Advancing the implementation of UNGPs in Japan is critical not only for consolidating the country's reputation as a leader in the business and human rights agenda regionally and globally, but also to enhancing the positive human rights impacts and competitiveness of Japanese businesses at home and overseas. The Working Group commends the ongoing efforts of the Government, businesses, and civil society to build capacity and awareness on the UNGPs and the NAP.

Even so, the Working Group remains concerned that systemic human rights challenges in Japan are not being sufficiently tackled as part of State and private sector initiatives in the business and human rights space. There is an urgent need to fully dismantle structures of inequality and discrimination against at-risk groups, such as women, persons with disabilities, Indigenous Peoples, *Buraku* communities, technical interns, migrant workers, and the LGBTQI+ persons. Problematic social norms and gender stereotypes that perpetuate power harassment should be fully addressed. The Government should ensure transparent investigations and effective remedies for victims of business-related human rights abuses in all industries. We call for the establishment of an independent NHRI in Japan to better promote access to effective remedy and corporate accountability.

There is a clear need to further the business and human rights agenda in Japan and, specifically, for implementation of the UNGPs to be fully realised. The Working Group thanks the Government of Japan, once again, for the invitation to carry out this visit and the willingness of all stakeholders, including the local governments of Tokyo, Osaka and Sapporo, to share their insights during our consultations. The Working Group will continue to collect information over the coming months, as we develop our full report to be presented to the Human Rights Council in June 2024. That report will contain concrete recommendations for the Government and businesses, as well as other stakeholders, to support efforts to enhance protection and respect of human rights in the context of business activities in Japan.