

## Joint Stakeholder Comments (Urgent Request)

### ~Government Guidelines on Respect for Human Rights in Responsible Supply Chains~

**To:** Inter-Ministerial Committee on the Implementation for Japan's National Action Plan on Business and Human Rights (NAP)

**From :** Proponents to the Comments among Members of the Roundtable / Working Group for Promoting the NAP

On 8 August 2022, the Government of Japan released the draft for the "Guidelines on Respect for Human Rights in Responsible Supply Chains" (the "Guidelines"), prepared by the Ministry of Economy, Trade, and Industry, followed by a public comments procedure. We welcome that the Government is giving concrete messages for businesses to respect human rights in alignment with international standards.

The formulation of the Guidelines should be considered as an essential measure to promote business respect for human rights in their supply chains in and outside the country, which counts as one of the priority areas of the NAP (Section 1.1 of the Guidelines). Given that the Guidelines encourage businesses to engage with stakeholders throughout the process to respect human rights, it is of paramount importance that the Guidelines guarantee their legitimacy by upholding meaningful dialogues with stakeholders throughout the entire formulation process. Nevertheless, the process was carried out behind closed doors up until the public comments procedure. Therefore, the process lacked consultation with the stakeholders of the Roundtable and Working Group, which were established originally for trust-based stakeholder dialogues in the NAP implementation process. Unless it adequately reflects the views of stakeholders, the Guidelines would not be conducive to efforts to respect human rights in accordance with the UN Guiding Principles (UNGPs).

In light of the above, we urge the Government of Japan to:

- 1. Engage in dialogues fully based on the public comments:** Ensure that the public comments are inclusively examined and have exhaustive dialogues in the Roundtable and Working Group to finalize the Guidelines. Ensure that the Guidelines are consistent with the international standards; the UNGPs; the OECD Guidelines for Multinational Enterprises; and the ILO MNE Declaration; and help businesses proactively respect human rights.
- 2. Collaborate in the post-launch of the Guidelines :** Undertake dissemination, monitoring, and revision of the Guidelines while fully convening and substantively collaborating with stakeholders, including those in the Roundtable and Working Group.
- 3. Organize a gap analysis process :** Conduct a gap analysis of current policy measures and business efforts, based on the identification and assessment of adverse impacts existing in Japanese society and business environment; [through stakeholder engagement](#) within the process of the implementation, review, and revision of the NAP; including the promotion of the Guidelines. Policy measures based on such gap analysis are requisite for creating an enabling environment in which businesses can identify, assess, and engage in human rights challenges in an appropriate and concrete manner, and effectively implement the Guidelines.

Next year, the G7 will take place under the presidency of Japan. Now is the time for the government to jointly take action with stakeholders to ensure that we do not fall further behind the global trends that promote business conducts consistent with international standards, and to demonstrate leadership in the G7 for the "protect, respect, and remedy" framework.

As indicated in "UNGP 10+: A Roadmap for the Next Decade of Business and Human Rights", we expect the formulation and implementation of the Guidelines, as well as the implementation, monitoring, and revision of the NAP, to be conducted based on trust from the stakeholders and by more mature approaches.