

April 3rd, 2013  
Caux Round Table Japan

Human Rights Due Diligence  
Comments on Prison Labour

Caux Round Table Japan (CRT-Japan) has undertaken a series of human rights due diligence workshops, and issued the draft version of the “Human Rights Issues by Sector” paper as an outcome of four months of multi-stakeholder discussions at the workshop. The draft was open for public consultation between January 10<sup>th</sup> and 30<sup>th</sup> 2013. Valuable comments from different organizations at home and abroad have been received. Amongst them, the submission from the Japan Federation of Printing Industries raised an issue that many companies may face during the course of conducting human rights due diligence. Since it could potentially relate to all companies, I would like to share that discussion here.

**1. The Comment from the Japan Federation of Printing Industries**

“The description of prison labour in the printing sector in the Human Rights Issues by Sector document may lead readers to misunderstand that only the printing sector uses such labor. In Japan, the use of prison labour is facilitated by the national policy. Therefore, it should be treated as a common issue related to all sectors.”

**2. The Comment from an expert**

I asked the human rights expert who had pointed out this issue at the workshop for further comment, in order to clarify the actual situation. The comment from the expert is as follows:

“It is correct that the issue of prison labour is not limited to the printing industry. This should be clearly indicated in the “Human Rights Issues by Sector” document. However, at the same time it is not appropriate to conclude that a company has no responsibility in relation to prison labour on the grounds that it is carried out pursuant to national policy. Since prison labour can involve a company’s responsibility to respect human rights in terms of utilization of its “leverage”, the company should take appropriate action, including collective action, to tackle the situation.

Prison administrations are making efforts in the current financial climate to receive orders for prison work in line with the Correctional Association Prison Industry Cooperation (CAPIC). However, prison labour in Japan involves a number of problems such as extremely low wages (4,000yen/ month), strict

discipline, and mistreatment by prison officers. In addition, the lack of a social system to support former prisoners should also be recognized as a related problem. There are indications that former prisoners sometimes go back to prison because they cannot find a job, and because prisons are the only place in which they can receive welfare.

It is clear that the state has the primary responsibility to take appropriate measures to improve the conditions of work for prison labours and the situation in regards to the welfare of former prisoners. However companies should take a wider perspective, bear these issues in mind and think carefully before commencing projects utilizing prison labour. This is why prison labour is mentioned in the context of business and human rights (e.g. in the Ruggie framework).

The problems in Japanese prisons are described in detail in a report issued by the Ministry of Justice Prison Administrative Reform Conference in 2005. Since most of the problems pointed out in the report are still unsolved, NGOs and the Japan Federations of Bar Associations are working together to tackle the situation. Giving support to these organisations could also be an effective way for a company to contribute to the improvement of the situation.”

### **3. CRT Japan’s view on prison labour - how does a company deals with prison labour?-**

According to the UN Guiding Principles on Business and Human Rights, which provide guidance in respect of conducting business in accordance with the UN “Protect, Respect, Remedy” Framework, business enterprises have a responsibility to respect human rights. Applying this principle to prison labour in Japan, a company has a responsibility to identify, mitigate and address any negative impacts of its corporate activities on prisoners’ rights. In order to carry out this responsibility, I believe that the first step for a company is to understand the problems and its root causes. Thereafter, raising awareness about existing grievance mechanisms, such as the grievance system at the Japan Federations of Bar Associations, as well as taking collective action through Nippon CSR consortium to require the government to improve prisoners’ conditions, would be realistic and appropriate.



Hiroshi Ishida  
Executive Director, Caux Round Table Japan