

June 16<sup>th</sup>, 2015

Draft for Public Consultation, June 16 – July 10, 2015

Caux Round Table Japan (CRT-Japan) / Institute for Human Rights and Business (IHRB)

**Invites comments on a**

**Draft Human Rights Statement for the Tokyo Olympic and Paralympic Games in 2020**

The Tokyo Olympic and Paralympic Games will be held from July to September 2020. Based on a firm belief that the Tokyo Olympic and Paralympic Games in 2020 is in a position to contribute to addressing environmental, social and labour issues, a Group of Experts for a Sustainable Tokyo Olympic and Paralympic Games<sup>1</sup> published a survey *Sustainability Themes for the Tokyo Olympic and Paralympic Games in 2020*. The survey was open to public comment between March 30 to April 24, 2015, and asked for feedback on which sustainability issues TOCOG should prioritise in the lead up to the 2020 Games. Over fifty responses were received, including from Japan, the UK, USA, and Switzerland. The issues that emerged as of paramount importance for the Tokyo Organising Committee of the Olympic and Paralympic Games (TOCOG), included human rights and labour rights, as well as the need to carry out stakeholder engagement.

Responding to the public interest and concern, and recognizing that it is essential for the Games' success that TOCOG make a clear commitment to ensure that human rights are respected throughout the life-cycle of the Tokyo 2020 Games, Caux Round Table Japan (CRT-Japan) and the Institute for Human Rights and Business (IHRB) have produced a "Draft Human Rights Statement for the Tokyo Olympic and Paralympic Games in 2020" on which we invite public comment, which we will encourage TOCOG to adopt as its own.

All comments received during the public consultation will be considered by CRT-Japan and IHRB, who will submit a final version that represents a synthesis of views, to TOCOG along with the names of all persons who submitted comment.



Hiroshi Ishida  
Executive Director  
Caux Round Table Japan



John Morrison  
Executive Director  
Institute for Human Rights and Business

Drafted by

Miho Okada, Director, Caux Round  
Table Japan

Lucy Amis, Research Fellow - Mega-Sporting  
Events, Institute for Human Rights and Business

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<sup>1</sup> For the Members of the Group of Experts for Sustainable Tokyo Olympic and Paralympic Games, please refer to <http://crt-japan.jp/en/2015/03/30/invitationforpubliccomments-en/>

## Draft Human Rights Statement for the Tokyo Olympic and Paralympic Games in 2020 Procedures for Submitting Comments

Please find below instructions on how to make a submission, as well as background on the two organisations that have drafted the proposed Human Rights Statement for the Tokyo Olympic and Paralympic Games in 2020 which we will encourage TOCOG to adopt as its own.

### 1. Draft Document for comments

The document is available via the CRT-Japan website: <http://crt-japan.jp/en/>, and IHRB website: <http://www.ihrb.org/>

### 2. Process for Submissions

#### ▪ Consultation Period and Deadline

Tuesday, June 16 to Friday, July 10, 2015. Submissions made after this deadline may not be considered and are at the discretion of CRT-Japan and IHRB.

#### ▪ Submission Address

Please send your comments to CRT-Japan by e-mail [yourcomments@crt-japan.jp](mailto:yourcomments@crt-japan.jp) as an attached document in Word format. Please kindly be advised that we are unable to accept comments by other methods (such as by telephone, fax or post).

#### ▪ Email Procedures

Address to: CRT-Japan [yourcomments@crt-japan.jp](mailto:yourcomments@crt-japan.jp)

Subject Header: Comments on Human Rights Statement for the Tokyo Olympic and Paralympic Games in 2020 (draft)

Please include at the top of the body of the email your:

Affiliation, Name (Name of Organisation/Company, Department and Name), E-mail Address & Telephone Number:

Please state clearly if you wish your submission to remain anonymous.

#### ▪ Call for Comments

We welcome comments on any aspect of the Draft Human Rights Statement. In particular, please state if there are any additional areas that you feel should be included. We would be grateful if you would provide an explanation for your suggestions, giving as much detail as possible.

Please organise your comments under the relevant headings used in the Draft Statement attached below, stating page numbers and paragraph positions where appropriate as these will enable us to process the information effectively.

- Enquiries

Tel: +81-3-5728-6365 Fax: +81-3-5728-6366 Email: [yourcomments@crt-japan.jp](mailto:yourcomments@crt-japan.jp)

### 3. Management and Handling of Comments

All the comments submitted will be considered by CRT-Japan and IHRB in our final synthesis, but we cannot promise to reflect every viewpoint as there may repetition and possibly contradictory points of view. All organisations and individuals submitting comments on the draft statement will be recognised by name and affiliation and their contributions made available online unless they explicitly request to remain anonymous.

Addresses, telephone and fax numbers, and e-mail addresses will not be published. If the comments include private information, by which a particular individual can be identified, or any information deemed to damage the property rights or other basic rights of any individual or corporation, the relevant section of the text will be deleted at the time of publication. We are unable to respond to individual comments.

## About Caux Round Table Japan (CRT-Japan)

The Caux Round Table Japan (CRT-Japan) (<http://crt-japan.jp/en/>) is the Japanese arm of an international network of principled business leaders working to promote a moral capitalism (<http://www.cauxroundtable.org/>). We offer practical advice to corporations in the area of business and human rights in Japan.

In 2012, one year before Tokyo won bid to host 2020 Olympic/Paralympic, CRT-Japan started to hold several events on Sustainable Event to share the human rights related risks associated with Tokyo 2020 Olympic/Paralympic.

In 2014, we held *Global Conference on CSR and Risk Management* (<http://crt-japan.jp/en/seminar-overview/global-conference/>), and set one of the workshop themes as Mega-Sporting Events and human rights with support from IHRB.

In 2015, we released *a request on Sustainability of the 2020 Tokyo Olympic and Paralympic Games* (<http://crt-japan.jp/en/2015/03/20/tokyoolympicgames/>) to Organising Committee (TOCOG), IOC, JOC, IPC, JPC, Japanese government and sponsors. Our activities as a member of *the Group of Experts for Sustainable Tokyo Olympic and Paralympic Games* are available here (<http://crt-japan.jp/en/2015/03/30/invitationforpubliccomments-en/>).

## About Institute for Human Rights and Business (IHRB)

The Institute for Human Rights and Business (IHRB) (<http://www.ihrb.org/>) is a global centre of excellence and expertise (a think & do tank) on the relationship between business and internationally proclaimed human rights standards.

We work to shape policy, advance practice and strengthen accountability to ensure the activities of companies do not contribute to human rights abuses, and in fact lead to positive outcomes.

IHRB's Mega-Sporting Events (<http://www.megasportingevents.org/>) Programme promotes good human rights practice at Mega-Sporting Events through global research, engagement, advocacy and outreach. In 2013 we published the report *Striving for Excellence: Mega-Sporting Events and Human Rights* (<http://www.ihrb.org/publications/reports/striving-for-excellence-mega-sporting-events.html>) and in 2014 launched the learning web-platform, <http://www.megasportingevents.org>.

## Draft Human Rights Statement for the Tokyo Olympic and Paralympic Games in 2020 (Version for Public Comment)

### 1 Introduction

The Tokyo Olympic and Paralympic Games will be held in the summer of 2020. The Tokyo Olympic Games will take place between 24 July–9 August 2020. The Tokyo Paralympic Games will take place between 25 August–6 September 2020. Tokyo's Candidature files indicate around 7.8 million tickets will be available for spectators from all corners of the globe for Olympic Games, around 2.3 million tickets for Paralympic.

Many corporations, organisations and individuals will engage in the preparation and staging of the Games, including 12 TOP partners with IOC, 13 national sponsors of TOCOG who have so far committed to financially supporting the Games. Up to 80,000 volunteers<sup>2</sup> are needed to help make the Games special by taking on a wide range of vital, behind-the-scenes roles, from timekeepers and spectator services helping people find their seats, to medics and drivers taking athletes to and from venue, and the recruitment will start from 2018.<sup>3</sup> It is estimated that more than 10 million people will visit Tokyo during the Games period.<sup>4</sup>

The successful staging of the Tokyo 2020 Olympics will also depend on the dedication of thousands of organisations, and their employees across many industries involved in the planning, preparations and staging of the Games, and upon the enthusiasm of the volunteers, the spectators, and the citizens of Tokyo.

TOCOG is committed to respecting the United Nation's Universal Declaration of Human Rights, which underpins all modern human rights standards; to upholding the UN Guiding Principles on Business and Human Rights; and to complying with national laws, including those that enshrine international human rights treaties and standards into domestic law, and to adhering to the spirit of international human rights and labour rights standards where these are not yet enshrined in Japanese law.

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<sup>2</sup> NHK (Nihon Housou Kyoukai) NEWS WEB. *Tokyo Olympic and Paralympic Related News*. [Online] Available from: <http://www3.nhk.or.jp/news/0904olympic/> (only in Japanese)

<sup>3</sup> The Tokyo Organising Committee of the Olympic and Paralympic Games. (2015) *Tokyo 2020 Games Foundation Plan*. [Online] Available from: [http://tokyo2020.jp/en/plan/gfp/Tokyo\\_2020\\_Games\\_Foundation\\_Plan\\_EN.pdf](http://tokyo2020.jp/en/plan/gfp/Tokyo_2020_Games_Foundation_Plan_EN.pdf), page141.

<sup>4</sup> Yomiuri Online. (2013) *Develop the skills necessary to Olympic and Paralympic Volunteers:80,000 volunteers for interpreter and guiding (五輪ボランティア育成・・・通訳や誘導など8万人)*. [Online] Available from: <http://www.yomiuri.co.jp/olympic/2020/20131216-OYT1T01461.html> (only in Japanese)

TOCOG is also guided by and will comply with the Olympic Charter and Fundamental Principles of Olympism, and the International Olympic Committee's Olympic Agenda 2020 recommendations. TOCOG will seek to ensure that social benefit derives from its activities to the fullest extent possible.

Appendix 1 (see page 12-17) catalogues all the relevant standards and laws that guide TOCOG's respect for human rights.

## 2 Tokyo 2020 Games: TOCOG's Commitment

The Tokyo 2020 Games is the tangible physical manifestation of the Olympic and Paralympic Movement. In keeping with the Fundamental Principles of Olympism - which espouse sport as a human right and are outlined in the Olympic Charter, and with Olympic Agenda 2020, as well as the Universal Declaration for Human Rights and the related international and national standards outlined in Appendix 1, TOCOG is committed to respecting human rights. TOCOG is guided by the steps elaborated within UN Guiding Principles on Business and Human Rights (UN Guiding Principles) in order to demonstrate this responsibility to respect human rights. These include the adoption of (a) policy commitment, (b) due-diligence processes, and (c) processes to enable the remediation of grievances. In keeping with UN Guiding Principles, TOCOG's own Human Rights Statement will be made available publicly, and "communicated internally and externally to all personnel, business partners and other relevant parties" and will "reflected in operational policies and procedures".<sup>5</sup> TOCOG's due diligence processes, will in particular observe the need for "meaningful consultation with potentially affected groups and other relevant stakeholders."

TOCOG is responsible for the direction and all decision-making associated with the Games. TOCOG's decisions are underpinned by five concepts; "Humanity", "Security", "Diversity and Inclusion", "Civil Liberties", "Accountability, Transparency and Reporting".<sup>6</sup> These are consistent with TOCOG's vision that "Sport has the power to change the world and our future".

These concepts give direction to TOCOG's work. The Japanese Government set up new offices on 4 October 2013: the Office for the Promotion of the Tokyo 2020 Olympic and Paralympics Games, Cabinet Secretariat<sup>7</sup> in which more than 19 ministries are

<sup>5</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

<sup>6</sup> CRT-Japan and IHRB are indebted to the model provided by the *Approach to Human Rights* adopted by the Glasgow 2014 Limited in helping shape these five concepts.

<sup>7</sup> Duncan Mackay. (2013) *Japanese Government set up new office to coordinate Tokyo 2020 preparations*. games. [Online] Available from:

<http://www.insidethegames.biz/articles/1016357/japanese-government-set-up-new-office-to-co>

represented on, and partnering with TOCOG. TOCOG urges that these five concepts also be embedded in all multi-ministry and cross-agency partnership projects, including with the Tokyo local government, the Japanese Olympic Committee, the Japanese Paralympic Committee, and other local governments, public and private partners.

## **2.1 Five concepts which underpin Tokyo 2020 Games**

“Humanity”, “Security”, “Diversity and Inclusion”, “Civil Liberties”, “Accountability, Transparency and Reporting” should be adhered to across the event lifecycle, and be embedded in all plans and activities for the Tokyo 2020 Games.

### **2.1.1 Humanity: Health and safety, and Employment conditions**

TOCOG is responsible for ensuring the successful staging of the event, fitting the venues, ticket sales, merchandising and more. Much of the operational activity however is outsourced to the private sector. TOCOG has a responsibility to set the standard for its own employees, and commercial partners to follow to ensure that Tokyo delivers a safe and sustainable event.

The right to decent working conditions is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR Article 7) and a series of International Labour Organisation (ILO) conventions. This right is comprised of the rights to a fair wage, the right to safe and healthy working conditions, the right to equality of opportunity, and not to have to work excessive hours that are disruptive to a balanced lifestyle and family life.

TOCOG takes these matters seriously and will develop a specific Health and Safety Standard to address employment conditions for its own direct activities and to guide our delivery partners for the Tokyo 2020 Games, including those responsible for venue and related construction.

Health and Safety issues are closely related to, and may be exacerbated by the other human rights concerns such as harassment in the workplace, or failure to provide adequate training in appropriate languages, especially in the case of foreign or migrant workers.

Exploitation of temporary and migrant workers is a challenge that has confronted the organisers of many major sports events, particularly in relation to construction, agriculture (food supplies), hospitality and catering. As the delivery of the Tokyo Olympic Games will rely on a workforce that includes foreign workers, measures to protect temporary and migrant workers from exploitation will be a high priority.

Migrant workers are particularly vulnerable, and can be victims of human trafficking, or debt bondage as a result of unscrupulous recruitment practices, therefore their protection is a matter of great importance to TOCOG.

TOCOG will also be guided in its activities by;

- the International Covenant on Economic, Social and Cultural Rights (ICESCR Article 7)
- ILO Declaration on Fundamental Principles and Rights at Work (1998, partially ratified by Japan)
- ILO Convention 131 – Convention concerning Minimum Wage Fixing (1970, ratified by Japan in 1971),
- ILO Fundamental Conventions 87 – Convention concerning Freedom of Association and Protection of the Right to Organise (1948, ratified by Japan in 1965),
- ILO Fundamental Convention 98 – Convention concerning Right to Organise and Collective Bargaining (1949, ratified by Japan in 1953)
- ILO Fundamental Convention 29 – Convention concerning Forced Labour (1930, ratified by Japan in 1932), and Protocol of 2014
- ILO Convention 105 – Convention concerning Abolition of Forced Labour Convention (1957, non-ratified by Japan),
- ILO Convention 97 – Convention concerning Migration for Employment Convention (Revised) (1949, non-ratified by Japan)

Furthermore, TOCOG is committed to the abolition of child labour and elimination of all forms of compulsory or forced labour, as elaborated in;

- ILO Fundamental Convention 138 – Convention concerning Minimum Age (1973, ratified by Japan in 2000), and
- ILO Fundamental Convention 182 – Convention concerning Worst Forms of Child Labour (1999, ratified by Japan in 2001).

TOCOG will put systems in place to mitigate the risk of such impacts in any way being linked to the Tokyo 2020 Games.

### **2.1.2 Security**

The security of the Tokyo 2020 Games is of paramount importance and we are firmly committed to ensuring the Games are delivered in a safe and secure manner. Adequate security that allows athletes to participate and spectators to watch the events in peace is critical. Security and the potential human rights impacts span the full lifecycle of the Games, from the preparation and construction phase through the



event organisation itself. TOCOG takes seriously its responsibility to manage its human rights impacts as part of its security planning for Toyo 2020 Games, and will conduct necessary impact assessments and human rights due diligence to make this a reality, including through working closely with the Japanese Government.

TOCOG, as well as the central and local government, and public or private security providers will be guided by relevant international standards (see below) in meeting this challenge, and all organisations will be expected to take appropriate measures to promote observance of applicable international law enforcement principles.

- The UN Code of Conduct for Law Enforcement Officials
- UN Basic Principles on the Use of Force and Firearms
- The Voluntary Principles on Security and Human Rights (apply to the extractive sector). They were established in 2000 and offer guidance to companies in maintaining the safety and security of their operations in the extractive sector. The spirit of those principles resonates beyond the extractive sector and can be applied to MSE-related operations.
- Private security companies contracted to work on Tokyo 2020 Games should look to The International Code of Conduct for Private Security Service Providers for guidance.
- Information technology companies involved in cyber-security should take into account the ICT Sector Guide on Implementing the UN Guiding Principles on Business and Human Rights.

### 2.1.3 Diversity and Inclusion

The Tokyo 2020 Olympics celebrates diversity. Tokyo 2020 Games will be inclusive to people of any age, gender, gender-reassignment, sexuality, race or ethnicity, nationality, place of birth, religion or belief, physical or mental disability, marital status, or socio-economic background. TOCOG will not tolerate discrimination on any grounds.

TOCOG will promote diversity and inclusivity across all aspects of its delivery of the Games. TOCOG commitments in this area will align with:

- ILO Fundamental Convention 100 – Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Values (1951, ratified by Japan in 1967),
- ILO Fundament Convention 111 – Convention concerning Discrimination in Respect of Employment and Occupation (1958, non-ratified by Japan) and,
- ILO Convention 159 – Vocational Rehabilitation and Employment of Disabled Persons (1983, ratified by Japan in 1992)

#### 2.1.4 Civil Liberties

TOCOG respects the rights elaborated in the International Covenant on Civil and Political Rights (ICCPR) (1966), in particular the:

Article 17 - Right to privacy,

Article 18 - Right to freedom of thought, conscience and religion

Article 19 - Right to freedom of opinion and expression

Article 20 - Right to freedom from war propaganda, and freedom from incitement to racial, religious and national hatred, and

Article 21 - Right to freedom of assembly

The TOCOG welcomes to the Games persons of any religion or none, and of all political opinions, provided the rights and freedoms are exercised in a manner that respects and does not infringe their enjoyment by others. TOCOG will not tolerate sexual or other forms of harassment, including displays of homophobic or racist abuse or equivalent behaviour in any Olympic sites, venues or related areas. TOCOG will work with local and national authorities to help ensure that respect for these rights and freedoms is maintained in accordance with Japan's domestic and international human rights commitments throughout the course of the Olympic and Paralympic Games of 2020.

#### 2.1.5 Accountability, Transparency and Reporting

To ensure the effectiveness of this Policy, TOCOG will assess the actual and potential human rights impacts that TOCOG may cause or contribute to through its commercial activities, or any that may be directly linked to its operations, products or services by its business relationships and act upon the findings. TOCOG will monitor how it implements this Human Rights Statement, and will communicate on how it manages its human rights impacts in accordance with the UN Guiding Principles. Meaningful and ongoing stakeholder engagement will be an essential part of these efforts.

In relation to public disclosure, TOCOG will be guided by the following international standards and guidelines.

- AccountAbility, AA1000 Stakeholder Engagement Standard (AA1000 SES)  
<http://www.accountability.org/standards/aa1000ses/index.html>
- Global Reporting Initiative, G4, Sector Disclosures for Event Organizers  
<https://www.globalreporting.org/resource/library/GRI-G4-Event-Organizers-Sector-Disclosures.pdf>

In particular TOCOG will report on:

- How it complies with its human rights policy commitment,
- Complaints with respect of any of the rights outlined within this statement, and how it went about resolving them and responded to the concerns raised.

END

## Appendix 1

This appendix catalogues all the relevant standards and laws that guide TOCOG's respect for human rights.

### 1. The Olympics and Human Rights

#### 1.a The Olympic Charter (1925, the latest revision: 2014) <sup>8</sup>

The December 2014 version of the Olympic Charter is a set of rules and guidelines for the organization of the Olympic Games, and for governing the Olympic movement. In the charter, the relevance between Olympism, Sports, Olympic movement and Human Rights is described as follows:

#### Fundamental Principles of Olympism

Clause 2. The goal of Olympism is to place sport at the service of the harmonious development of humankind, with a view to promoting a peaceful society concerned with the preservation of human dignity.

Clause 4. The practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play.

Clause 6. Any form of discrimination with regard to a country or a person on grounds of race, religion, politics, gender or otherwise is incompatible with belonging to the Olympic Movement.

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<sup>8</sup> International Olympic Committee. (2014) *Olympic Charter*. [Online] Available from: [http://www.olympic.org/documents/olympic\\_charter\\_en.pdf](http://www.olympic.org/documents/olympic_charter_en.pdf)

### 1.b The Olympic Agenda 2020 (adopted 2014) <sup>9</sup>

In December 2014 the Olympic Movement endorsed Olympic Agenda 2020 which includes a series of human rights-related recommendations, including on sustainability (recommendation 4 and 5), people with different abilities (recommendation 7), gender equality (recommendation 11), non-discrimination on sexual orientation (recommendation 14), engaging with communities (recommendation 23), and the need to foster dialogue with society (recommendation 39) as follows:

Recommendation 4. Include sustainability in all aspects of the Olympic Games

Recommendation 5. Include sustainability within the Olympic Movement's daily operations

Recommendation 7. Strengthen relations with organisations managing sport for people with different abilities

Recommendation 11. Foster gender equality

1. The IOC to work with the International Federations to achieve 50 per cent female participation in the Olympic Games and to stimulate women's participation and involvement in sport by creating more participation opportunities as the Olympic Games
2. The IOC to encourage the inclusion of mixed-gender team events.

Recommendation 14. Strengthen the 6<sup>th</sup> Fundamental Principles of Olympism

- The IOC to include non-discrimination on sexual orientation in the 6<sup>th</sup> Fundamental Principle of Olympism.

Recommendation 23. Engage with Communities

Recommendation 39. Foster dialogue with society and within the Olympic Movement

- Bring together representatives of the Olympic Movement, its stakeholders and representatives of civil society.
- Engage in a dialogue with representatives from all walks of life and backgrounds on the role of sport and its values in society.

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<sup>9</sup> International Olympic Committee. (2014) *Olympic Agenda 2020: Context and Background*. [Online] Available from: [http://www.olympic.org/Documents/Olympic\\_Agenda\\_2020/Olympic\\_Agenda\\_2020-Context\\_and\\_background-ENG.pdf](http://www.olympic.org/Documents/Olympic_Agenda_2020/Olympic_Agenda_2020-Context_and_background-ENG.pdf)

## 2. International Human Rights Standards

### 2.a Universal Declaration of Human Rights (1948)

Universal Declaration of Human Rights is a common standard of achievement for all peoples and all nations to promote human rights and freedoms.<sup>10</sup> The fundamental nature of these provisions means that they are widely regarded as forming a foundation of international law. In particular, the principles of the UDHR are considered to be international customary law and do not require signature or ratification by the state to be recognized as a legal standard.

More information on the Universal Declaration of Human Rights is available at:  
<https://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/humanRights.html>

### 2.b Vienna Declaration and Programme of Action (1993)<sup>11</sup>

Vienna Declaration and Programme of Action was adopted by the World Conference on Human Rights in Vienna in June 1993, and affirmed that the human rights principles contained within the Universal Declaration as universal, indivisible and interdependent and interrelated.

5. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

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<sup>10</sup> United Nations. *The Universal Declaration of Human Rights*. [Online] Available from: <http://www.un.org/en/documents/udhr/>

<sup>11</sup> United Nations Human Rights: Office of the High Commissioner for Human Rights. *Vienna Declaration and Programme of Action*. [Online] Available from: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>

### 3. Business and Human Rights

#### 3.a United Nations Guiding Principles on Business and Human Rights (2011)<sup>12</sup>

The United Nations Guiding Principles on Business and Human Rights (UNGPs) is a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity. On June 16, 2011, the United Nations Human Rights Council unanimously endorsed the Guiding Principles for Business and Human Rights, making the framework the first corporate human rights responsibility initiative to be endorsed by the United Nations, and as such an internationally recognised roadmap for private companies and organisations that operate as commercial entities for respecting internationally proclaimed human rights standards.

The UNGPs encompass three pillars outlining how states and businesses should implement the framework:

- The state duty to protect human rights
- The corporate responsibility to respect human rights
- Access to remedy for victims of business-related abuses

The UNGPs set processes for business responsibility to respect human rights in principle 15<sup>13</sup> as follows:

Principle 15. In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including:

- (a) A policy commitment to meet their responsibility to respect human rights;
- (b) A human rights due-diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
- (c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute.

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<sup>12</sup> Human Rights Council. (2015) *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework Summary*. [Online] Available from:

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.31\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.31_en.pdf)

<sup>13</sup> United Nations Human Rights: Office of the High Commissioner. (2012) *Guiding Principles on business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*. [Online] Available from:

[http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

#### 4. Japanese Government and Human rights

##### 4.a Japanese Constitution

In the Japanese Constitution, respect for fundamental human rights is one of the three principles enshrined, along with “the sovereignty of the people”, “pacifism”. Chapter III (Articles 10-40) of the Japanese Constitution is dedicated to provisions on human rights. Constitutional human rights also apply to foreign nationals to the extent that such rights are not by their nature only applicable to citizens.

##### 4.b Japanese Government: ratification and non-ratification of international human rights treaties and ILO Declarations and Conventions

By aligning with international efforts, the Japanese government has ratified many major international human rights treaties, which are listed below. Non-ratified major treaties are also referenced.

International human rights treaties	Ratification
International Covenants on Human Rights (the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights)	1979
Convention on the Elimination of All Forms of Discrimination Against Women	1985
Convention on the Rights of the Child	1994
International Convention on the Elimination of All Forms of Racial Discrimination	1995
the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT)	1999
International convention for the Protection of All Persons from Enforced Disappearance	2009
Convention on the Rights of Persons with Disabilities	2014
The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)	Not ratified



ILO Declarations and Conventions		Date	Status
ILO Declaration on Fundamental Principles and Rights at Work		1998	Partially ratified
Fundamental	C029 - Forced Labour Convention, 1930	21 Nov 1932	In Force
	P029 - Protocol of 2014 to the Forced Labour Convention, 1930	2014	
	C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948	14 Jun 1965	In Force
	C098 - Right to Organise and Collective Bargaining Convention, 1949	20 Oct 1953	In Force
	C100 - Equal Remuneration Convention, 1951	24 Aug 1967	In Force
	C138 - Minimum Age Convention, 1973 <i>Minimum age specified: 15 years</i>	05 Jun 2000	In Force
	C182 - Worst Forms of Child Labour Convention, 1999	18 Jun 2001	In Force
	C105 - Abolition of Forced Labour Convention, 1957	Not ratified	
	C111 - Discrimination (Employment and Occupation) Convention, 1958	Not ratified	
Technical	C097 - Migration for Employment Convention (Revised), 1949	Not ratified	
	C159 - Vocational Rehabilitation and Employment of Disabled Persons, 1983	12 Jun 1992	In Force

END