



Access to Remedy as part of Sustainable Business in Japan

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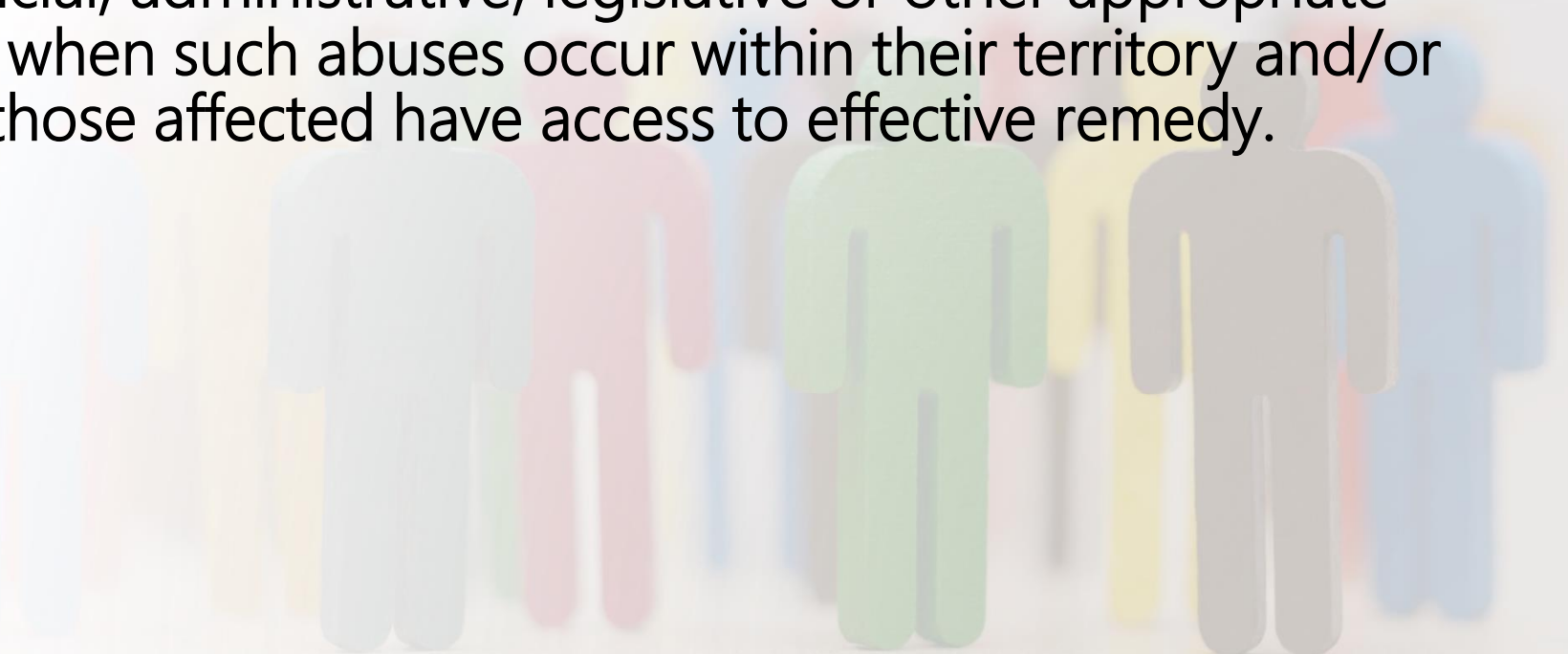
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Why do the UN
Guiding Principles
Focus on Remedy?



UN Guiding Principle 25

As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.



G7 Commitments to end forced labor in global supply chains

G7 countries are the largest importers of many goods at the highest risk of being produced with forced labor, including apparel (representing

- [five out of the top six](#) global importers), seafood (representing [39.8 percent](#) of global demand for seafood imports in 2021), and solar panels (importing [more than \\$20 billion](#) worth of solar panels in 2021).
- G7 markets drive demand for products expected to arrive quickly and cheaply, leading to [business models](#) that can incentivize the abuse of workers.
- Finally, G7 member countries are home to many of the world's largest companies, whose impact on human rights practices in their supply chains can be equally, if not more, influential than those of national governments.

G7 continued

- Thirty-four of the 50 largest companies in the world are headquartered in G7 countries, including many of the largest consumer goods, electronics, and automobile producers whose supply chains stretch across the globe.

Source: Marti Flacks and Steven Orientale, Operationalizing the G7 Commitment to End Forced Labor in Global Supply Chains, Center for Strategic and International Studies, <https://www.csis.org/analysis/operationalizing-g7-commitment-end-forced-labor-global-supply-chains>

Japan-US Task Force



MEMORANDUM OF COOPERATION ON THE JAPAN - U.S. TASK FORCE ON THE PROMOTION OF HUMAN RIGHTS AND INTERNATIONAL LABOR STANDARDS IN SUPPLY CHAINS



The Ministry of Economy, Trade and Industry of Japan and the Office of the U.S. Trade Representative (collectively, “the Participants”):

Recalling the formation of the Japan - U.S. Partnership on Trade on November 17, 2021;

Recalling the shared commitment expressed during the first round of meetings of the Japan - U.S. Partnership on Trade to increase predictability for business, such as through encouraging best practices with respect to promoting international labor standards, including the elimination of all forms of forced labor in supply chains;

Task Force commitments on Remedy

2. The Participants intend to facilitate dialogue between the Task Force and stakeholders.¹ In doing so, the Participants intend to follow the principles stated below:

1.(b) These dialogues may include multi-stakeholder engagement and listening sessions related to:

(ii) Best practices on human rights due diligence in supply chains, including key best practices for developing, implementing, and monitoring human rights due diligence procedures, such as robust programs to promote worker voice and remediation approaches for workers; or

What is remedy – “Bouquet of Remedies”

- Remedy is more than money or compensation for injury – it can include
 - Injunction – stopping harm (e.g. Stopping construction of dam)
 - Apology
 - Consultation
 - Restoration or recognition of land rights
 - Livelihood restoration
 - Cleanup and repair (fixing damage, cleaning up pollution)
 - Health monitoring and medical care
 - Change in company policies (e.g. safety, working conditions, privacy rights)

<https://www.ohchr.org/en/special-procedures/wg-business/access-remedy>



Remedy is
not
separate
from the
rest of the
UN Guiding
Principles

Pillar I and II are connected to Pillar III (Protect, Respect and Remedy)

When victims or parties use a company grievance mechanism they are providing information to a company about harms and negative impacts.

It is part of a communication channel and ongoing human rights due diligence

Critical to help companies prevent harm and to change practices to stop FUTURE harm

Biggest gap for many States and companies is providing effective remedy

- For Japan and for States – obligation to provide access to justice in terms of both judicial and non judicial remedy
- Japan National Action Plan made commitments on access to justice – these need to be evaluated and also thinking about how to deal with issues occurring with victims outside of Japan
- More detailed examination of barriers to access to remedy
- Much of the national action plan focused on issue of workers rights in Japan

A photograph of a road with a yellow center line that splits into two paths, surrounded by dense green foliage. The text "Key: All Roads to Remedy" is overlaid in white.

Key: All Roads to Remedy

Examples of future remedy commitments from the NAP

(d) Provide human rights counseling in ten foreign languages by Human Rights Counseling Centers for Foreigners.

Dedicated hotlines have also been established for protecting the human rights of women and children. [Ministry of Justice]

(e) Prevent human rights violations and remedy damages

Conduct necessary investigations if a suspected case of human rights violations is recognized through human rights counseling, and provide remedy and prevention by implementing appropriate measures for the case under investigation in cooperation with the relevant agencies

Still need to
strengthen
non judicial
mechanisms

Key Examples

OECD National Contact Point

Development Cooperation and
Finance grievance mechanisms -
JICA and JBIC

Japan National Contact Point for RBC

Peer review last done in 2012

Only even complaints to the NCP in Japan between 2000 and 2016. Five of the petitions are from overseas.

Website – not easy to currently find

The screenshot shows the official website of the Ministry of Foreign Affairs of Japan. The header includes the ministry's name in English and Japanese, along with navigation links for 'Skip to main content', 'FAQ', 'Site Map', and 'Links'. There are also language selection options for 'Japanese' and 'Other Languages', and a search bar. The main navigation menu includes 'About Us', 'News', 'Foreign Policy', 'Countries & Regions', and 'Consular Services'. The current page is titled 'Economic Diplomacy' and 'Japan and OECD'. It features a 'Recommend' button, social media sharing options for Twitter, Facebook, and Email, and a date stamp of 'May 20, 2023 Japanese'. The main content area is titled 'Japan's 50 years with the OECD' and lists several related documents and events, including a video, a PDF schedule plan, a symposium, and a report of recommendations. The OECD logo is visible in the bottom right corner of the content area.

Company Grievance Mechanisms



Important as part of human right due diligence in supply chains – way to gather information from ground up



Do not just add human rights to existing ethics or whistleblower hotlines – Invest in more specific human rights procedures



Thinking of creating independent mechanisms

New program for business in Japan

BUSINESS / CORPORATE

Japan firms sign up for greater scrutiny of rights issues in supply chains



Earn an American degree in Japan. Temple University, Japan



An American degree in Japa >

Learn More

WHAT'S TRENDING

EDITORS' PICKS

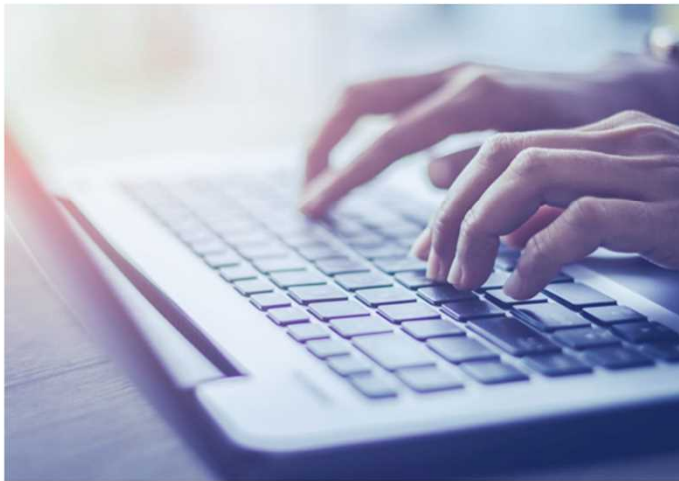
1 Four injured as explosion hits building in Tokyo's Shimbashi district



2 Vladimir Putin is weakened — but his system isn't



Help with grievance mechanisms



About JaCER

Japan Center for Engagement and Remedy on Business and Human Rights (JaCER) aims to provide a non-judicial platform for grievance redress and to act in a professional capacity to support and promote redress of grievances by member companies based on the United Nations Guiding Principles on Business and Human Rights.

Details





Future directions

- Next National Action Plan – stronger focus on Access to Remedy
- Assess and ensure that prior commitments are implemented – example stronger NCP, and stronger visible development related grievance mechanisms
- Consider again the issue of a national human rights institution
- Work with companies to develop effective operational level grievance mechanisms – Stressing independence
- Focus on how to support partner countries with remedy mechanisms as well