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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development.**

## **Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Japan**

**Comments by the State\***

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\* The present document is being issued without formal editing.



## **I. Introduction**

1. The Government of Japan (hereinafter “we” or “the Government”) notes with appreciation the draft report of the Working Group on the issues of human rights and transitional corporations and other business enterprises (also referred to as “you” or “the Working Group” below) on its visit to Japan from 24 July to 4 August 2023. We are currently revising our National Action Plan on Business and Human Rights (NAP) formulated in 2020, and the points raised in the draft report provide us with useful reference for this process.
2. However, the Government of Japan would like to clarify its position on some of the statements in the draft report, which it believes contain matters that appear to be factually incorrect or one-sided assertions, as follows. We also emphasize that we have not verified the truth of all of the statements in the draft report and reserve the right to express any position on matters not listed below.
3. The reports on individual themes and country visits compiled by the Working Group have clarified issues surrounding business and human rights, and have contributed to the further dissemination and awareness of these issues. The Government of Japan reiterates its appreciation for the contributions by the Working Group.
4. On the other hand, we express our concern that the draft report includes the claims of the parties interviewed by the Working Group without indicating the sources of the information. It is desirable in itself that the country visits by the Working Group and its reports will bring to light issues that have not always been fully recognized. While the Government recognizes the need to preserve the confidentiality of sources “if their divulgation or publication could cause harm to individuals involved”<sup>1</sup>, in order for such remarks to have more objectivity and to be addressed by the country concerned and the international community, they must be accompanied by some degree of verification. We have brought the editorial policy of these reports to the attention of the Working Group.
5. We will continue to contribute to the efficiency and effectiveness of the Working Group's future activities and to further progress in the international community's efforts on business and human rights, and we hope that our comments will be duly considered by the Working Group.
6. We would like to make comments separately on the major issues raised in the draft report as follows.

## **II. Comments on Major issues:**

### **A. Revision of the NAP**

7. Japan's National Action Plan on Business and Human Rights (NAP), formulated in 2020, stipulates that “towards the revision of the NAP five years after being rolled out, approximately four years from the launch of the NAP, the Inter-Ministerial Committee will start working on revising the NAP, while taking into account the views of stakeholders.” In accordance with this provision, the 10th Inter-Ministerial Committee, held on 22 May 2024, decided to initiate the work on revising the NAP. Japan will continue to work toward revising the NAP to make it more effective, taking note of the points raised by the report of the Working Group. We will also continue to engage in dialogue with stakeholders and work on improving the situation on business and human rights in Japan and abroad.

### **B. Employment of persons with disabilities [Paragraph 37]**

8. Employment of persons with disabilities who are not subject to the mandatory employment rate for persons with disabilities is promoted by prohibiting discrimination,

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<sup>1</sup> “Manual of Operations of the Special Procedures of the Human Rights Council”. August 2008. Para 73.

requiring reasonable accommodation, and providing specialized support at public employment security offices.

## C. Ainu Persons

9. The Government of Japan is promoting comprehensive and effective promotion of Ainu policy, in order to realize a society in which the Ainu people can live with pride as a people, and in which that pride will be respected, thereby contributing to the realization of a harmonious society in which all citizens respect each other's personalities and individuality.

### 1. Ainu Living Conditions Survey [Paragraph 41]

10. Regarding the reference in Paragraph 41 to “the absence of a census of the Ainu population renders their discrimination invisible and uncounted,” the Hokkaido Prefectural Government has been conducting the “Hokkaido Ainu Living Conditions Survey”<sup>2</sup> every few years for Ainu people who are resident in Hokkaido, including a questionnaire regarding “discrimination against Ainu people”. (The latest survey is ongoing since September 2023. 13,118 Ainu people responded to the one conducted in 2017.)

### 2. Rationality of Article 28 of the Act on the Protection of Marine Resources [Paragraph 42]

11. Paragraph 42 mentions that the Act on the Protection of Marine Resources “does not adequately consider the Ainu people’s traditional salmon fishing rights.” However, the Government of Japan has taken the following actions to respect their culture.

- i. Salmon spawn in freshwater and juveniles migrate down to the sea. After four years they return to the river where they were born to spawn and complete their life cycles. If salmon, going up river are harvested before spawning, the reproduction of the salmon resources in the river cease, and the stocks will eventually be depleted. Additionally, salmon are genetically localized fish, so prohibition of harvesting of the fish in certain areas and scopes is not sufficient to achieve the purpose of this Act of protecting salmon resources. Therefore, the purpose of Act on the Protection of Marine Resources<sup>3</sup> is to ensure the protection and culturing of fishery resources, to maintain those advantages for the future, and thereby to contribute to the development of the fishing industry (Article 1<sup>4</sup>). To this end, Article 28 of the Act<sup>5</sup> stipulates that “In freshwaters, among anadromous fish, salmon must not be caught or gathered.” In light of the biological characteristics of salmon and the importance of this resource for Japan, the Act, in principle, uniformly prohibits the taking of salmon, in freshwater without limiting area and scope.
- ii. On the other hand, Article 28 of Act on the Protection of Marine Resources<sup>6</sup> allows the harvesting of salmon in inland waters with permission from the prefectural governor, in addition to a license for fishing rights, as an exception to the prohibition. In Hokkaido, salmon may be harvested in inland waters for the purpose of experimental research, educational training, self-sufficiency and supply of seedlings (including seed eggs) for aquaculture, or the transmission and preservation of traditional rituals or fishing methods, as well as disseminating and building knowledge related to these activities, by obtaining a permit under Article 52 of the Hokkaido Fishery Regulations<sup>7</sup> from the governor of Hokkaido. Ainu people are allowed to harvest salmon in rivers and other inland waters in Hokkaido for the purposes of experimental research, educational training, and subsistence or supply of seedlings for aquaculture, with the permission of the governor of Hokkaido.

<sup>2</sup> [https://www.pref.hokkaido.lg.jp/ks/ass/new\\_jittai.html](https://www.pref.hokkaido.lg.jp/ks/ass/new_jittai.html).

<sup>3</sup> [https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je\\_toc](https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je_toc).

<sup>4</sup> [https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je\\_ch1at1](https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je_ch1at1).

<sup>5</sup> [https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je\\_ch2sc4at6](https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je_ch2sc4at6).

<sup>6</sup> [https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je\\_ch2sc4at6](https://www.japaneselawtranslation.go.jp/ja/laws/view/4126#je_ch2sc4at6).

<sup>7</sup> 北海道漁業調整規則 北海道例規類集（北海道）（d1-law.com).

Furthermore, Article 17 of the Ainu Measures Promotion Act<sup>8</sup> simplifies the procedures for Ainu people to obtain a permit to harvest salmon in inland waters for the purpose of preserving or passing on ceremonial rites, or for the dissemination of knowledge and awareness of ceremonial rites, and so forth, compared to the procedures for obtaining a general special harvesting permit.

- iii. Fixed gear fisheries, which are the main fisheries for salmon in the sea, must be operated only on the basis of fishing rights, and therefore a license must be obtained from the prefectural governor in order to operate a fixed gear fishery. In Hokkaido, the conditions of the fixed gear fishery license incorporate necessary restrictions for the protection of salmon resources, including the number and duration of nets to be set, and an obligation to implement necessary measures that may be ordered to secure parent fish for salmon reproduction in the case there is a risk of a shortage of such parent fish.

### 3. Management of national forest [Paragraph 43]

12. Based on the requests and expectations of the people (the multifaceted functions of forests such as mountain disaster prevention, nature conservation, carbon sinks, regional development, and watershed conservation.), national forest land, which is the common property of the people, is managed in coordination with various entities.

13. Under these circumstances, efforts are also being made to utilize state-owned forest lands for the promotion of Ainu culture. Specifically, based on Article 16 of the Law for the Promotion of Ainu Policies<sup>9</sup>, which stipulates that "the Ainu people may acquire the right to jointly use state-owned forest lands for the collection of forest products to be used for performing ceremonies that have been handed down by the Ainu people and promoting other Ainu cultural activities," the Ainu people may, if they wish, be allowed to collect forest products in state-owned forest lands. The Ainu Common Forestry System<sup>10</sup> is a special measure that allows the Ainu people to collect forest products in state-owned forest lands only if they so desire. By the end of March 2024, the Ainu common forest had been established in Sapporo, Kushiro, Chitose, and Shin-Hidaka, and will be established in Shiraoi and Biratori.

14. The leasing of national forest land where the rights of the Ainu people are established as common forests of the Ainu people under a contract to persons other than the Ainu people is subject to the consent of the Ainu people (Article 14, Paragraph 3 of the Ordinance for Enforcement of the National Forest Management Act<sup>11</sup>).

15. In addition, with regard to the leasing of national forest land to renewable energy facilities, the approval of the mayor<sup>12</sup> of the relevant municipality must be obtained when the national forest land is leased, and efforts are being made to reflect local opinions. In the past, any areas based on Ainu common forest lands have never been leased for renewable energy facilities, and no specific opinions have been obtained from organizations in which the Ainu people participate.

16. Regarding free, prior and informed consent (FPIC), to ensure the introduction of renewable energy in harmony with local communities, the Japanese government is strengthening business discipline. This includes requiring prior notification of project details to local residents as a condition for certification under the FIT (Feed-in Tariff) and FIP (Feed-in Premium) programs.

<sup>8</sup> [https://www.japaneselawtranslation.go.jp/ja/laws/view/4538#je\\_ch5at3](https://www.japaneselawtranslation.go.jp/ja/laws/view/4538#je_ch5at3).

<sup>9</sup> <https://elaws.e-gov.go.jp/document?lawid=431AC0000000016>.

<sup>10</sup> <https://www8.cao.go.jp/ainu/pdf/kihonhoushin.pdf>

[https://www.rinya.maff.go.jp/hokkaido/square/kakutidayori/2022/221214\\_3.html](https://www.rinya.maff.go.jp/hokkaido/square/kakutidayori/2022/221214_3.html).

<sup>11</sup> <https://elaws.e-gov.go.jp/document?lawid=326M50010000040>.

<sup>12</sup> [https://www.rinya.maff.go.jp/j/kokuyu\\_rinya/gaiyo/kasituke/attach/pdf/kokuyuurinyanokatsuyou-43.pdf](https://www.rinya.maff.go.jp/j/kokuyu_rinya/gaiyo/kasituke/attach/pdf/kokuyuurinyanokatsuyou-43.pdf).

## D. *Buraku* Discrimination [Paragraph 46]

17. Drawing from the Guiding Principles on Business and Human Rights, as well as "the Act on the Promotion of Elimination of *Buraku* Discrimination"<sup>13</sup>, Japan carries out human rights education and awareness-raising activities on *Buraku* discrimination issue as one of various human rights issues, to foster a society free from *Buraku* discrimination and to promote the importance of human rights-conscious management, especially within SMEs. These efforts cover various initiatives, including educating on the importance of human rights, such as hosting awareness-raising seminars, which include addressing the issue of *Buraku* discrimination, developing informative pamphlets and other materials, conducting company training sessions with a human rights focus, and providing consultation services in regions facing specific issues. These efforts are implemented and supported by the budget for education and awareness-raising measures on various human rights issues.

## E. Older persons [Paragraph 52]

18. In Japan, the Act on Stabilization of Employment of Elderly Persons<sup>14</sup> sets the minimum age of retirement at 60, prohibits the setting of a retirement age below 60, and imposes on employers the obligation to take measures to ensure employment of older workers up to the age of 65, including raising the retirement age, and the obligation to make efforts to ensure employment of older workers up to the age of 70, also including raising the retirement age. The law imposes on employers the obligation to make efforts to take measures to ensure employment of older workers up to the age of 70, and employment does not end at the mandatory retirement age<sup>15</sup>.

19. Since diverse employment needs are observed in the older age group, and some of them wish to work for shorter hours, efforts are being made to meet these needs and secure employment opportunities, both inside and outside the companies. In addition, according to a private survey, a higher percentage of workers in their 60s feel happiness through working compared to other age groups<sup>16</sup>, and they are generally more satisfied with their work. For this reason, it is not correct to suggest that the problem is solely one of being employed on a part-time basis or being paid low wages.

20. The employment rate of older workers in Japan is high compared to other countries, and annual trends in the employment rate for each age group show an upward trend. This is thought to be due to different factors. These factors include the effects of obligations based on the Act on Stabilization of Employment of Elderly Persons<sup>17</sup> --namely the minimum retirement age, the obligation to take measures to ensure employment of older persons up to age 65, and the obligation to make efforts to take measures to ensure employment of older persons up to age 70. Other contributing factors include efforts to provide reemployment support for older persons who have left the workforce and the provision of diverse employment opportunities in local communities. The point that the government is hindering efforts to extend the working age of older workers is not true.

## F. Climate change [Paragraph 55]

21. In relation to the paragraph 55 regarding health, climate change, and the natural environment, as Japan pledged to achieve net zero GHG emissions by 2050 and recognizes the importance of limiting the temperature increase to 1.5°C above pre-industrial levels, various measures have been implemented. In fiscal year 2021, we successfully reduced

<sup>13</sup> <https://www.japaneselawtranslation.go.jp/en/laws/view/4080>.

<sup>14</sup> <https://www.japaneselawtranslation.go.jp/ja/laws/view/4516>.

<sup>15</sup> [https://www.kourei-koyou.mhlw.go.jp/wp-content/themes/koureisakoyou/images/img\\_teinen\\_60\\_70\\_1\\_pc.png](https://www.kourei-koyou.mhlw.go.jp/wp-content/themes/koureisakoyou/images/img_teinen_60_70_1_pc.png).

<sup>16</sup> <https://rc.persol-group.co.jp/thinktank/spe/pgstop/2023/>.

<sup>17</sup> <https://www.japaneselawtranslation.go.jp/ja/laws/view/4516>.

emissions by approximately 20 percent compared to fiscal year 2013, steadily progressing towards our climate goal.

22. Additionally, Japan has plans to decarbonize its electronic power systems to achieve carbon neutrality by 2050. Policies are already in place to reduce the proportion of coal-fired power used as energy and decarbonize thermal power plants by using clean hydrogen and ammonia, and Carbon Capture, Utilization and Storage (CCUS). We remain committed to bolstering our efforts, including the active promotion of GX (green transformation).

## **G. Jingu Gaien District Urban Redevelopment Project [Paragraph 58]**

23. Paragraph 58 states, "Concerns also persist about the effectiveness of existing Government mechanisms to address environmental issues raised by stakeholders. In particular, the Working Group expresses serious apprehension over inadequate public consultation in environmental impact assessment processes, especially for large-scale development schemes." This assumes that it is a reality that urban development by private developers violates human rights.

24. To unilaterally make assumptions in such a way is not acceptable from the standpoints of both impartiality and neutrality. In particular, it is procedurally incorrect to compile a report without obtaining opinions from private developers.

25. In addition, paragraph 58 states, "A case in point is the Jingu Gaien District Urban Redevelopment Project that stands to cause adverse human rights impacts." However, the private developer of this development also carefully disproved the Heritage Alert issued by the International Council on Monuments and Sites (ICOMOS) in September 2023<sup>18</sup> by presenting data in response to the comments of ICOMOS and pointed out that it is far from the truth and may cause misunderstanding among many people<sup>19</sup>. There is a major problem with making a report without taking into account these and other opinions.

26. Regarding the environmental impact assessment process, the system is designed to publicize the details of the impacts examined by private developers in accordance with national laws and regulations and the Tokyo Metropolitan Government's ordinance<sup>20</sup>, and to hear opinions from the public<sup>21</sup>. For this reason, the draft report's reference to "inadequate public consultation" is incorrect.

27. Furthermore, the procedures based on the city planning laws and regulations<sup>22</sup> stipulate the rules for public notice and public inspection of plans based on planning proposals from private developers, as well as for explanations to residents. When expressing their views in response to the Heritage Alert, private operators referred to the fact that six explanatory meetings based on laws and regulations, and an additional three voluntary explanatory meetings, had been held.

28. For these reasons, we urge the deletion of paragraph 58 in its entirety.

## **H. Fukushima Daiichi nuclear power station**

### **1. Occupational health and safety for workers [Paragraph 60]**

29. While paragraph 60, highlights that "The Working Group also learned that TEPCO had subcontractors going down to the fifth tier, with workers on lower tiers of the

<sup>18</sup> [https://preprod.icomos.org/images/DOCUMENTS/Secretariat/2023/Heritage\\_Alerts/Jingu\\_Gaien/HA\\_JinguGaen\\_Japan\\_PressRelease\\_EN\\_FINAL\\_WithAppendixes.pdf](https://preprod.icomos.org/images/DOCUMENTS/Secretariat/2023/Heritage_Alerts/Jingu_Gaien/HA_JinguGaen_Japan_PressRelease_EN_FINAL_WithAppendixes.pdf).

<sup>19</sup> [https://www.jingugaenmachidukuri.jp/pdf/en-jingugaenmachidukuri\\_news\\_2023092901.pdf](https://www.jingugaenmachidukuri.jp/pdf/en-jingugaenmachidukuri_news_2023092901.pdf).

<sup>20</sup> [https://www.reiki.metro.tokyo.lg.jp/reiki/reiki\\_honbun/g101RG00001372.html](https://www.reiki.metro.tokyo.lg.jp/reiki/reiki_honbun/g101RG00001372.html).

<sup>21</sup> [https://www.reiki.metro.tokyo.lg.jp/reiki/reiki\\_honbun/g101RG00001372.html#e000001089](https://www.reiki.metro.tokyo.lg.jp/reiki/reiki_honbun/g101RG00001372.html#e000001089)  
[https://www.reiki.metro.tokyo.lg.jp/reiki/reiki\\_honbun/g101RG00001372.html#e000001251](https://www.reiki.metro.tokyo.lg.jp/reiki/reiki_honbun/g101RG00001372.html#e000001251)  
[https://www.reiki.metro.tokyo.lg.jp/reiki/reiki\\_honbun/g101RG00001372.html#e000001263](https://www.reiki.metro.tokyo.lg.jp/reiki/reiki_honbun/g101RG00001372.html#e000001263)  
[https://www.reiki.metro.tokyo.lg.jp/reiki/reiki\\_honbun/g101RG00001372.html#e000001322](https://www.reiki.metro.tokyo.lg.jp/reiki/reiki_honbun/g101RG00001372.html#e000001322).

<sup>22</sup> <https://www.japaneselawtranslation.go.jp/ja/laws/view/3841>.

subcontracting ladder receiving lower wages,” TEPCO ensures compliance with proper wage regulations stipulated in the Labor Standards Act, the Minimum Wage Act, and other applicable laws and regulations. TEPCO also conducts checks with end subcontractors, including regular assessments of the construction system, to ensure that working conditions and remuneration are clearly defined.

30. For example, TEPCO underscores the importance of legal compliance to its employees, prime contractors, subcontractors, and their workers through various avenues. These include addressing the issue at the Occupational Health and Safety Promotion Council, of which prime contractors are members, holding legal compliance seminars in cooperation with the Fukushima Labor Bureau, disseminating related pamphlets, and implementing other initiatives.

31. Furthermore, we have repeatedly informed the Working Group that TEPCO is not aware of the details described in the End of Mission Statement concerning working conditions and the work environment for workers at the Fukushima Daiichi Nuclear Power Station. We have also requested the Working Group to provide detailed information on this description if such occurrences have taken place outside the reach of TEPCO’s recognition, including specifics about when, where, and by whom. In such a case, we are ready to facilitate improvement efforts based on the contracts between TEPCO and its subcontractors. Despite our request, we have not received any response and we express our concerns regarding this lack of communication.

## **2. Allegations of forced labor [Paragraph 60]**

32. In paragraph 60, it is mentioned that “in terms of forced labour, the Working Group heard that some workers of TEPCO’s subcontractors were reportedly supplied by the organized crime groups and forced to work.” TEPCO has not confirmed such facts despite the actions it has taken as explained below. Moreover, in TEPCO’s efforts to listen to the opinions of workers and implement improvements based on their feedback, including through suggestion boxes and questionnaires for all workers, no concerns such as “being supplied by organized crime groups and forced to work” have been reported.

33. TEPCO has included a clause in contracts with prime contractors that specifically addresses “the elimination of anti-social forces.” This clause grants TEPCO the right to retract the contract, either partially or fully, if it detects any involvement of anti-social forces. This provision also extends to subcontractors. Importantly, to date, there have been no instances of contracts being retracted due to the involvement of anti-social forces.

34. TEPCO, in a collaborative effort with relevant organizations, including law enforcement authorities, regularly convenes the “Fukushima Daiichi NPS’s Council for Measures to Exclude Organized Crime Groups.” This initiative aims to prevent interventions by anti-social forces, including organized crime groups, in the various contracts associated with the project.

35. TEPCO implements a “Reliability Verification System for Individuals” for workers entering the protected area of the decommissioning site (excluding temporary workers on site), ensuring proper screening for any affiliation with anti-social forces, such as organized crime groups and terrorists.

## **3. Relief mechanisms [Paragraph 60]**

36. Paragraph 60 mentions “workers who were afraid to speak up due to the frequent retaliatory practice of dismissing those who had voiced concerns,” but it is important to emphasize that TEPCO has established a consultation desk for managing health and working conditions. It has actively continued to listen to workers’ opinions, for example, through suggestion boxes and questionnaires for all workers, and to make improvements based on their feedback. These efforts are regularly communicated to all workers through various methods, such as posting leaflets and engaging with the Occupational Health and Safety Promotion Council, of which the prime contractors are members. TEPCO rigorously protects the privacy of workers seeking advice and takes meticulous measures to ensure that they are not disadvantaged.

37. Following the Working Group's visit, TEPCO further strengthened the system to enable workers to seek advice with confidence. This included the implementation of digital signage and a review of the leaflets used. Drawing from workers' questionnaires conducted since 2011 and other sources, TEPCO remains committed to continually enhancing respect for the human rights of workers.

**4. Alleged requests for materials concerning the causal relationship between exposure to radiation and the onset of cancer [Paragraph 61]**

38. Paragraph 61 mentions that "the Working Group heard of cases where TEPCO required workers to submit materials providing a causal relationship between exposure to radiation and the onset of cancer." For the following reasons, TEPCO has not requested workers to submit such documents. Despite the actions TEPCO has taken, as explained below, it has not confirmed such facts.

39. The basis for this assertion is as follows:

(a) TEPCO has no direct contract with workers of its subcontractors.

(b) TEPCO may receive requests from prime contractors to share data that the prime contractors do not hold. However, TEPCO, lacking authority like Labour Standards Inspection Offices, does not request individual workers or the companies they belong to to submit data.

(c) TEPCO found no such case in its efforts to listen to workers' opinions and implement improvements based on their feedback, such as through suggestion boxes and questionnaires for all workers.

(d) In the first place, international organizations like the ICRP and UNSCEAR hold the view that causal relationships between low-dose exposure and radiation-induced cancer cannot be scientifically proven. Thus, it is highly improbable that TEPCO would request documents to prove this.

**5. Discharge of ALPS Treated Water [Paragraph 62, 86(u)]**

40. In response to concerns expressed in paragraph 62 about the discharge of treated water from Fukushima Daiichi Nuclear Power Station, and the call in paragraph 86 (u) for the provision of data related to the water treatment process, particularly concerning the absolute amount of nuclear material in the water, we highlight that ALPS treated water is discharged in a manner that does not have adverse impacts on human health or the environment. This is achieved through purification processes until the concentration of radioactive materials in the water is below the regulatory standards. The IAEA has conducted reviews of the safety of this discharge into the sea from a professional and objective standpoint.

41. In a comprehensive report issued in July of last year, summarizing the results of the review conducted prior to the discharge, the IAEA concluded that Japan's approach to discharging ALPS treated water into the sea, along with associated activities, adheres to relevant international safety standards. The report further affirmed that the radiological impact on humans and the environment will be negligible. Both the Government of Japan and TEPCO have maintained a high level of transparency in providing information, including monitoring results of ALPS treated water after the discharge into the sea, as well as data on radionuclides contained in the discharged water. (TEPCO publishes the results of measurement and assessment of the 29 subjected nuclides in the water to be released.) This transparency initiative will continue moving forward.

**I. PFAS [Paragraph 63,64]**

42. We would like to draw the Working Group's attention to the fact that the relationship between blood levels of PFAS and health effects and the relationship between the contamination under discussion and corporate activities is not fully clarified at this time. On this basis, the following measures are taken in Japan.



43. Regarding PFAS (Especially PFOS and PFOA, among the controlled substances under the Stockholm Convention on Persistent Organic Pollutants), we have been making efforts to contribute to the safety and security of the public. Specifically, we have prohibited their manufacture and import in principle, determined the provisional target values in public water and groundwater, prevented the use of drinking water that exceeds the provisional target values, and monitored water quality in cooperation with local governments.

44. An expert group published the guidance for future action on PFAS in July 2023. In accordance with the guidance, the Ministry of the Environment has taken further steps to address the issue of PFAS.

45. Regarding the current provisional target values for PFOS and PFOA in public water, the guidance suggests the Ministry continue to discuss the matter based on the latest scientific evidence.

46. The relationship between blood levels of PFAS and health effects has not been fully understood.

47. Therefore, we think that even if blood concentration surveys are conducted in affected areas, it will not be possible to clarify the health status of each resident there.

48. Regarding the statement "four harmful PFAS chemical" in the report, we are aware that some of the PFAS chemical are toxic, but the relationship between intake and human health effect is not fully understood.

49. Under these circumstances, the Tokyo Metropolitan Government<sup>23</sup> has been conducting groundwater surveys throughout the metropolitan area since 2010 to identify areas where PFAS are detected, in light of international trends toward stricter regulations regarding PFAS. In addition, all concerned residents have been urged not to drink groundwater that has been found to exceed the guideline values, and some intake wells have been shut down from the perspective of ensuring the safety of tap water. Furthermore, in FY2024, in addition to surveying the entire metropolitan area, the Tokyo Metropolitan Government plans to conduct surveys in cooperation with local communities.

50. It should be noted that, as mentioned above, in the absence of a clear picture of the actual health effects, it is virtually impossible to provide consultation, medical care, or treatment based on blood tests. Even in this situation, however, in order to alleviate the concerns of Tokyo residents by drawing on the extent of current knowledge, the Tokyo Metropolitan Government has established a hotline<sup>24</sup> to respond to all inquiries from Tokyo residents regarding PFAS.

51. Despite the fact that the Tokyo Metropolitan Government is taking advanced measures in Japan to eliminate residents' concerns, presenting the case in western Tokyo as if it were a representative and serious case unnecessarily fans the fears of residents in the area. Hence, we urge the deletion at least of the part about the residents in the western part of Tokyo.

## **J. Technical Internship Training Program [Paragraph 69-73]**

52. Following consideration of the final report of the Advisory Panel of Experts of November 2023, the government decided its policy for the introduction of a new alternative system to the Technical Internship Training Program, at the meeting of the Ministerial Conference on Acceptance and Coexistence of Foreign Nationals held on 9 February 2024.

53. Subsequently, on 15 March 2024, the government submitted to the Diet a bill to partially amend the Immigration Control and Refugee Recognition Act and the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees. This bill is currently under deliberation.

<sup>23</sup> <https://www.kankyo.metro.tokyo.lg.jp/documents/d/kankyo/no-82-pfossheet3>.

<sup>24</sup> <https://www.hokeniryo.metro.tokyo.lg.jp/kankyo/sonota/pfas.html>.

54. The bill prescribes that the following actions be taken in order for Japan to become a “country of choice” as an attractive place to work:

(a) create a new system for the purpose of developing and securing human resources.

(b) design the new system in such a way as to promote the development of human resources with the skill level required for Specified Skilled Worker Type 1 status (status of residence for foreign nationals engaged in work requiring a considerable degree of knowledge or experience in a specified industrial field), and make the fields applicable under the new system consistent with those applicable under the Specified Skilled Worker system (system to accept foreign nationals with certain expertise and skills who can make an immediate contribution to the workforce); and

(c) relax restrictions on change of employer by persons to whom the new system applies, and optimize the acceptance by Japan and dispatch by home countries of such persons.

55. In addition, as for protection of foreign nationals residing in Japan with residence status granted under the new system, the bill stipulates that a person engaging in supervisory support, such as a supervisory support organization, or its officers or employees, must not force a foreign national to work against their will through the use of assault, intimidation, confinement, or any other means to unfairly restrict his/her mental or physical freedom. In this way, further protection will be provided for the human rights of such foreign nationals.

56. The bill will be enforced within three years after being passed.

## K. Supply chains

### 1. Myanmar related issues in “D. Regulating value chains and finance”, “IV. Thematic Areas of Concern” [Paragraph 79,80]

57. We are aware of the claims made by each of the stakeholders mentioned and cited in the report. In this regard, the report points out that the ODA projects financed by the Government of Japan directly benefit the Myanmar Military in terms of finance. However, Japan’s ODA is intended to contribute to the improvement of the lives of the people of Myanmar and their economic development, and to meet their humanitarian needs. The Government of Japan has been conducting its ODA projects in an appropriate manner considering the circumstances of each project so as not to benefit the Myanmar Military. Accordingly, the reported allegations that Japan’s ODA directly benefits the Myanmar Military is not accurate.

58. Moreover, approximately 360 Japanese companies are currently active in Myanmar, and the Government of Japan recognizes that they have contributed to strengthening Myanmar’s economy and enriching the lives of the people of Myanmar. The Government of Japan has been explaining to those companies its position of not recognizing the legitimacy of the coup d’état by the Myanmar military, and we do not believe that private business by such Japanese companies benefit the Myanmar Military even after its coup d’état.

### 2. Efforts by Japanese businesses [Paragraph 81 and other paragraphs]

59. Paragraph 81 states, “A survey conducted by Japan External Trade Organization in 2018 showed that only 29% of Japanese businesses have established policies on labour, health and safety and the environment for their suppliers and require compliance, while 22% of businesses have these policies but do not require their suppliers to comply with them.”

60. We want to draw your attention to the observable progress made by Japanese companies over the years while challenges may persist in implementing human rights measures. For example, the survey conducted by Keidanren in 2023<sup>25</sup> reveals improvement, with more than double the number of companies making efforts based on the UNGPs,

<sup>25</sup> [https://www.keidanren.or.jp/policy/2024/005\\_kekka.pdf](https://www.keidanren.or.jp/policy/2024/005_kekka.pdf).

compared to the survey results in 2020, increasing from 36% to 76%. We believe that the development of the Guidelines has contributed to increasing corporate efforts.

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