

Report to the United Nations Business and Human Rights Working Group

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Briefing Paper: Request for UN Recommendation to the Japanese Government for the Establishment of a Mandatory Human Rights Due Diligence Law

As an International Human Rights NGO committed to promoting human rights and social justice, we present this briefing paper to request the United Nations' support in admonishing the Japanese government to establish a mandatory Human Rights Due Diligence (mHRDD) framework. This paper serves as a summary of several reports that highlight the pressing need for such legislation in Japan. These reports, covering diverse industries such as the garment, seafood, construction, information technology, electronics, and trading industries, provide evidence of continuing human rights violations and the insufficiency of companies' measures in addressing these abuses.

I. Insufficiency of the Current Guidelines

In September 2022, the Japanese government formulated the "Guidelines on Respecting Human Rights in Responsible Supply Chains," representing a step forward. However, in light of the grave human rights violations occurring worldwide, these guidelines are woefully inadequate in providing relief to victims. The primary reason for this insufficiency lies in the fact that the guidelines are merely non-binding "guidelines" and lack legal enforceability. While some companies may voluntarily and sincerely engage in human rights due diligence based on these guidelines, others may avoid serious efforts, given the absence of legal bindingness. As a result, significant disparities exist in the efforts undertaken by companies in Japan. The most significant concern here is that many severe human rights violations occur precisely within the value chains of companies that do not earnestly conduct human rights due diligence as examined by our reports on business-related human rights violations and companies' insufficient measures to prevent and address them in various industries. Without proper regulation, these human rights abuses are unlikely to cease. Considering these circumstances, it is essential to urgently enact legislation that mandates human rights due diligence for companies of a certain size with the capacity and structure to conduct HRDD in their value chains. Besides the mHRDD legislation, active consideration of trade regulations (e.g., import/export controls) indirectly promoting human rights due diligence is also crucial.

It will require sufficient time and transitional measures to implement a comprehensive legal framework and capacity building for various stakeholders, including the state, civil society, and corporations. Therefore, there is an urgent need to engage in discussions and promote the progress of legislation on mHRDD.

II. The Necessity of Mandatory Human Rights Due Diligence Legislation - Three Key Points

Point 1: Contribution to the Respect of Human Rights

As mentioned earlier, the lack of legal regulation for the respect of human rights in Japan

results in insufficient efforts by many companies to uphold human rights. As one of Asia's leading economic powers, Japan engages in trade relations with many regions in Asia. Introducing legislation for the respect of human rights in Japan will demonstrate leadership in addressing human rights issues in the Asian region, providing relief to victims, and reinforcing Japan's commitment to "human rights diplomacy."

Point 2: International Trends

Over a decade has passed since the United Nations' "Guiding Principles on Business and Human Rights" was established in 2011. More than 20 countries, including Japan, have formulated National Action Plans (NAP), and many Western countries have already introduced laws mandating HRDD or indirectly promoting it through trade regulations (e.g., import/export controls). To ensure fair competition between nations and companies, Japan is increasingly being urged by Western countries to commit to the respect of human rights in corporate practices. For instance, statements made during the last G7 summit on the regulation of products of forced labor references human rights and environmental DD in the "Japan-U.S. Critical Minerals Agreement (CMA)", and the signing of a "Memorandum of Cooperation on the Japan-U.S. Task Force on the Promotion of Human Rights and International Labor Standards in Supply Chains", among others, demonstrate the growing international trend. Japan should not lag behind in response to this global movement.

Point 3: Enhancing Inter-Company Fairness

Recent events such as sanctions and import/export regulations surrounding the "human rights issues" in Xinjiang have made apparent the numerous human rights risks that companies are facing. To prevent unexpected encounters with such risks, companies need to establish a proactive system for the respect of human rights. Moreover, the lack of legislation has led to disparities between companies that have taken progressive steps in this regard and those that have not. Companies earnestly committed to human rights, environmental protection, and other issues are now burdened with explaining the associated costs to their top management and domestic investors. The legislation will create a level playing field and ensure fair competition for such companies. Furthermore, companies driven by sustainability concerns are expected to become Japan's central enterprises with long-lasting competitiveness.

III. Conclusion

In conclusion, the above points and evidence presented in the reports from various industries emphasize the urgent necessity of establishing mandatory HRDD legislation in Japan. Such legislation will not only support the respect of human rights within Japan but also contribute to resolving human rights issues in the world and demonstrate Japan's commitment to global human rights diplomacy. Moreover, it aligns with international trends and ensures fairness among companies, leading to sustainable and competitive business practices. The United Nations' encouragement and

admonishment of the Japanese government to enact this legislation would be highly influential in promoting human rights values and practices worldwide.

IV. Appendix: [HRN] Human Rights Due Diligence Bill

***Please note that the following text is a tentative English translation.**

Chapter 1. General Provisions

Article 1. Objectives

This Act was enacted in response to the United Nations Human Rights Council's endorsement of the Guiding Principles on Business and Human Rights, the formulation of action plans in Japan and other countries based on the Guiding Principles, and the enactment of relevant legislation in other countries, which have raised domestic and international concerns regarding the responsibility of business entities to respect human rights in their business activities, including their own value chains, and in their business relationships with other parties. In addition to national and local governments' obligation to protect human rights, business operators also are required to fulfill their responsibilities to respect human rights in accordance with the Guiding Principles. In light of the importance of national and local governments fulfilling their obligations to protect human rights, and business operators making appropriate efforts to respect human rights in accordance with the Guiding Principles, it is essential that the national government, local governments, and business operators fulfill their responsibilities to respect human rights appropriately, with regard to their business activities, through strengthening the implementation of human rights due diligence in their own business activities and their value chains, as well as in their business relationships with other parties. This is to ensure that local governments and business enterprises fulfill their responsibilities to respect human rights in their business activities by strengthening the implementation of human rights due diligence in their own business activities and their business relationships with other parties in their value chains, and thereby contribute to the realization of a sustainable economy and a society where human rights are respected.

Article 2. Definitions

1. As protected by this Act, "human rights" means the rights based on the conventions and international norms for the protection of human rights listed in the Appendix.
2. In this Act, "business operators" means juridical persons or other organizations, as well as individuals when the relevant individual is a party to a contract as or on behalf of a business.
3. In this Act, "value chain" means all related legal entities that have direct or indirect business relationships, or investment and/or financing relationships, within or outside a country, that are related to the procurement and securing of raw materials, resources, equipment, and software for products and services, manufacturing and processing, sales and provision, disposal, and other business activities of and by the national government, local governments, business operators, and

related parties.

4. In this Act, "negative impact on human rights" means any adverse impact on the human rights of workers, consumers, local residents, and all other relevant persons that has occurred or is likely to occur in relation to the business activities of the national government, local governments, business operators and their value chains, or business relationships with other parties.

5. In this Act, "human rights due diligence" means a series of actions taken by a business operator or national or local government to identify, prevent, and mitigate all negative human rights impacts resulting from its business activities or business relationships with other parties, to evaluate the effectiveness of its efforts, and to explain and disclose information about how it has addressed those actual or potential negative human rights impacts.

Article 3. Scope

This law applies to the national government, local governments, and all business operators that engage in business activities in Japan.

Chapter 2 Responsibility for Performing Human Rights Due Diligence

Article 4. Responsibilities of the National Government, Local Governments, and Business Operators

1. The national government, local governments, and business operators that employ more than ●● workers on a regular basis are obligated to perform their own human rights due diligence and to disclose the status of that due diligence.

These obligations include the following:

- (1) Establishment and publication of policies regarding respect for human rights
- (2) Selection of a supervisor
- (3) Identification and periodic analysis of negative impacts on human rights
- (4) Implementation of measures to prevent or mitigate any of the identified negative human rights impacts that may occur, and to address or correct any that actually have occurred.
- (5) Follow-up surveys on the effectiveness of the foregoing measures and evaluation of the effectiveness of those measures
- (6) Establishment of a system for receiving reports and consultations regarding negative impacts on human rights (hereinafter referred to as "procedures for reporting and consultations").
- (7) Making public announcements and reports to the relevant authorities regarding the matters set forth in Article 5 below.

2. In carrying out each of the items in the preceding paragraphs, the business operators shall proceed with consultations and dialogues with entities that could have a negative impact on human rights, or with organizations that represent those entities (labor unions, non-profit organizations, etc.).

Business operators other than the national government and local governments that do not employ

more than ●●● workers on a regular basis shall endeavor to perform human rights due diligence as set forth in the preceding paragraph and to publicize the status of such due diligence. However, even if the number of workers regularly employed by the business entity does not exceed ●●●, a business entity involved in government public procurement is obligated to perform human rights due diligence in accordance with the preceding paragraph.

In implementing the preceding paragraph, efforts shall be made to proceed with consultations and dialogues with entities that may have a negative impact on human rights, or with organizations that represent those entities (labor unions, non-profit organizations, etc.).

*Items to be reviewed:

What is the scope of the businesses that will be obligated to perform human rights DD?

(Reference) - Enterprises other than those defined in the Basic Act on Small and Medium Enterprises (e.g., those in the manufacturing industry with 300 or fewer employees) = approximately 12,000 enterprises

Listed companies = approx. 4,000 entities

Chapter 3 Administration and Enforcement by Government Agencies

Article 5. Publication and Reporting to Competent Authorities

1. Business operators that regularly employ more than ●● workers, and those that do not regularly employ more than ●● workers but are involved in government public procurement, shall announce the following items on their websites and notify the competent authorities thereof by ●● of each year:

(1) Status of efforts to address the matters specified in each item of Article 4.1(1) above

(2) Status of dialogues with entities that could have a negative impact on human rights, or organizations representing those entities (such as labor unions and non-profit organizations) when implementing the matters specified in each item of Article 4.1(1) above, as specified in Article 4.2.

2. Business operators that do not employ more than ●● workers on a regular basis shall endeavor to publicize the matters set forth in paragraph 1 of this Article on their websites and other media.

3. The national government and local governments shall make public announcements concerning the status of implementation of the matters set forth in Paragraph 1 of this Article on their websites and other media by [date/month] of each year. In addition, the national government shall collect, organize, and provide practical expertise on human rights due diligence in Japan and abroad in order to contribute to public announcements by business operators and reports to the competent authorities.

Article 6. Audit of Reports by Competent Authority

1. The competent authority shall examine the following matters:

- (1) Whether a report has been made in accordance with Article 5.1 above.
 - (2) Compliance with the requirements set forth in Article 5.1 above.
2. If the reporting obligation set forth in Article 5.1 above is not fulfilled or the requirements set forth in Article 5.1 are not met, the competent authority may require the relevant business operator to submit or amend a report within a certain time limit.
3. If the competent authority deems it necessary, with respect to a report made pursuant to Article 5, paragraph 1, [competent authority] may refer the matter to a public office or public or private organization and request a report on necessary matters.

Article 7. Powers of competent authority

1. The competent authority shall act *ex officio*, properly exercising its discretion to
 - (1) Manage the operator's compliance with its obligations under Article 4 with respect to the risk of possible negative human rights impacts and any negative human rights impacts that may occur.
 - (2) Terminate and prevent any violations of the obligations in Article 4 that are discovered.
2. The competent authority shall act on the basis of a request by an individual who claims to have suffered a negative human rights impact, or by an organization representing such an individual, based on specific facts, where:
 - (1) the claimant's protected legal status has been violated due to a breach of the obligations in Article 4; or
 - (2) the infringement specified in subsection (1) of this section is imminent due to nonperformance of an obligation in Article 4.
3. The competent authority may issue appropriate and necessary orders and take measures in order to realize paragraphs 2 (1) and (2) of this Article. The competent authority shall establish detailed procedures for this purpose.

Article 8. Orders and Measures by Competent Authority

1. The competent authority shall issue appropriate and necessary orders and take measures to detect, terminate, and prevent violations of the obligations in Article 4. In particular, the competent authority may:
 - (1) Summon victims of negative human rights impacts and individuals involved in negative human rights impacts.
 - (2) Request a business operator submit a corrective action plan within a certain time limit.
 - (3) Require business operators to take specific measures to fulfill their obligations within a certain time limit.

Chapter 4. Public Procurement

Article 9. Obligations of State and Local Governments to Protect Human Rights in Public Procurement [Activities]

1. At the time of public procurements, the national government and local governments shall take into account the status of implementation of the obligations and requirements specified in Article 4 by the relevant business operator(s) and the details thereof.
2. Entities that violate the obligations in Article 4 or that are subject to the fines provided for in Article 10 shall be excluded from participation in public procurement procedures such as supply contracts, construction contracts, or service contracts by the party ordering the public procurement. This exclusion shall be limited to an appropriate period of up to three years.

Chapter 5. Penalties

Article 10. PENALTIES.

1. A business operator that violates an order pursuant to Article 7, Paragraph 3 shall be punished by a fine of up to ● 10,000 yen.
2. Any business operator that violates the orders in Article 8.1 (2) and (3) shall be punished by a fine of up to ● 10,000 yen.

Chapter 6. Civil Liability

Article 11. Civil Liability

1. With respect to violations of the obligations set forth in Article 4, national and local governments and business operators are liable to compensate victims of human rights who have been negatively affected by their own business activities and the business activities within their value chains, or other business activities or business relationships with other parties, for damages that could have been avoided by the implementation of the obligations to be performed [pursuant to this Act].
2. Any person who claims to have suffered a negative impact on human rights may authorize a national trade union or non-governmental organization to pursue a lawsuit to enforce the rights of such person, in order to achieve the reparations referred to in paragraph 1 of this Article.

End

Separate Sheet

1. Universal Declaration of Human Rights (1948)
2. Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights)
3. Social Rights Covenant (International Covenant on Economic, Social and Cultural Rights)
4. Convention on the Elimination of All Forms of Racial Discrimination
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
6. Convention on the Elimination of All Forms of Discrimination against Women
7. Convention on the Rights of the Child
8. Convention on the Rights of Persons with Disabilities (1948)
9. International Convention for the Protection of All Persons from Enforced Disappearance
10. Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
11. United Nations Declaration on the Rights of Indigenous Peoples
12. UN General Assembly Resolution on the Human Right to a Clean, Healthy and Sustainable Environment
13. ILO Freedom of Association and Protection of the Right to Organize Convention (No. 87)
14. ILO Convention on the Application of Principles Concerning the Right to Organize and Collective Bargaining (No. 98)
15. ILO Convention on Forced and Compulsory Labour (No. 29)
16. ILO Convention on the Abolition of Forced and Compulsory Labour (No. 105)
17. ILO Minimum Age for Employment Convention (No. 138)
18. ILO Convention on Immediate Action for the Prohibition and Abolition of the Worst Forms of Child Labour (No. 182)
19. ILO Convention on Equal Remuneration for Men and Women Workers for Work of Equal Value (No. 100)
20. ILO Convention 111 on Discrimination in respect of Employment and Occupation
21. ILO Convention on Occupational Safety and Health (No. 155)
22. ILO Framework Convention on the Promotion of Occupational Safety and Health (No. 187)

Uyghur Issues

I. Questionnaire on Japanese Companies’ Links to Forced Labour in Xinjiang Uyghur Autonomous Region

On 30 April, 2020, based on references to Japanese companies in the report, “Uyghurs for sale: ‘Re-education, forced labour and surveillance beyond Xinjiang’” by the Australian Strategic Policy Institute (ASPI), the Japan Uyghur Association sent questionnaires to Japanese companies suspected of being involved in forced labour a follow-up survey. It asked the companies to respond to the following questions.

Questions for Japanese Companies

1. What is your opinion on the possibility that your products are manufactured by the forced labour of Uyghurs as mentioned in the ASPI’s reports?
2. In response to question 1, if your company is unable to confirm this at this time, would it be possible, from a business ethics and humanitarian perspective, to ask the Chinese government or your supplier to confirm the reports?
3. Do you implement mandatory human rights due diligence in your supplier selection?
4. If some of your products are manufactured by the forced labour of Uyghurs, is it possible to suspend the manufacture and procurement of those products in China for the sake of compliance with international and domestic laws, business ethics, and humanitarian reasons?
5. With regard to the suspicion that your company is unintentionally involved in the forced labour of Uyghurs, please tell us whether you are willing to investigate the actual situation and take measures to eliminate the suspicion.

Responses from Japanese companies

No.	Company name	Responses	Has a human rights policy

1	Fast Retailing Co., Ltd.	<ul style="list-style-type: none"> • No products are produced in Xinjiang UAR. • The companies referred in the report are not production partners or designated material plants, and we have no transactions with them. 	Yes
2	TDK Corporation	<ul style="list-style-type: none"> • No response to any of the details mentioned in the report. 	Yes
3	Mitsubishi Electric Corporation	<ul style="list-style-type: none"> • We confirmed that none of our primary suppliers manufacture using forced labour. • In accordance with the CSR procurement policy that prohibits forced labour, we will suspend business with any supplier who is suspected of using forced labour. 	Yes
4	Sony Corporation	<ul style="list-style-type: none"> • No response to any of the details mentioned in the report. 	No
5	Hitachi, Ltd.	<ul style="list-style-type: none"> • No response to any of the details mentioned in the report. 	Yes
6	Japan Display Inc.	<ul style="list-style-type: none"> • No relevant facts mentioned in the report were confirmed by fact-finding surveys conducted with the secondary suppliers. 	No
7	Mitsumi Electric Co., Ltd.	<ul style="list-style-type: none"> • No relevant transactions mentioned in the report were found by investigation. • It is clearly stated in the basic transaction agreement that the business partners must comply with the CSR procurement guidelines that prohibit forced labour, the failure of which will be considered a cause for termination. 	No
8	Nintendo Co., Ltd.	<ul style="list-style-type: none"> • No labour conditions described in the report were found by fact-checking our production partners. 	Yes
9	Sharp Corporation	<ul style="list-style-type: none"> • As far as we have investigated, the transactions mentioned in the report have not been confirmed, and we do not believe that there is a relationship. 	No
10	Toshiba Corporation	<ul style="list-style-type: none"> • We confirmed that the suppliers listed in the report are not direct suppliers, including consolidated subsidiaries, by investigating our transactions. 	Yes

11	Panasonic Corporation	<ul style="list-style-type: none"> • No response. • However, there is a statement by the company in the investigation report that the company has “no direct contractual relationship with any of the suppliers involved in the labour scheme (as indicated by this investigation report).” 	Yes
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More details about the companies’ responses and their potential links to forced labor of Uyghurs in and outside of Xinjiang, China can be found in our statement, “Japanese Companies’ Links to Forced Labor in Xinjiang Uyghur Autonomous Region,” which was originally released on 28 August, 2020. <https://hrn.or.jp/eng/news/2020/12/07/statement-on-japanese-companies-and-forced-labor-in-xinjiang/>

No.	Company Name	Responses
1	Hitachi, Ltd.	We have conducted SA8000 audits for the suppliers pointed out in the report by a third party based on the international standard. As a result, we identified no issues such as forced labor or child labor. However, when we audited the suppliers, we found that there are some areas that need improvement. With the consent of the suppliers, we requested improvement.
2	Sony Corporation	As a result of the investigation, we identified no direct business partners of Sony in Xinjiang Uyghur Autonomous Region. RBA and RBA member companies conducted third party assessments on suppliers cited in the ASPI report, including a local level assessment. As a result, we identified that there was no fact of forced labor.
3	TDK Corporation	We confirmed that none of the companies in our group had any dealings with the suppliers pointed out in the report. On the other hand, we found that our group had transactions with a parent company of a supplier cited in the report. In addition to the self-assessment in the framework of the RBA, we requested an on-site audit by a third-party auditing company, and as a result, they identified that there were no findings related to forced labor.
4	Toshiba Corporation	We confirmed that the three suppliers mentioned in the ASPI report are not direct business partners of us or our consolidated subsidiaries. A brand licensed company revealed that we had a business relationship with one out of three suppliers for products developed in previous years. However, we have decided to stop doing business with the supplier after the end of producing development models of 2019 in the middle of 2021, and not to use their parts for developed models of 2020 and beyond.

5	Kyocera Corporation	We identified that there are no direct transactions with the suppliers mentioned in the report, but there is business relationship with their parent company. We have not been able to confirm any transactions related to forced labor, but we are looking into the possibility of suspending transactions.
6	Mitsubishi Electric Corporation	We have checked all our material transaction records and confirmed that we do not have any direct transactions with the suppliers pointed out in the report. Therefore, we did not conduct further investigation.
7	Mitsumi Electric Co., Ltd.	We have signed a business agreement of compliance with guidelines that explicitly prohibit forced labor as a condition of doing business. We have investigated our suppliers that are alleged to use forced labor, but have not been able to confirm any applicable transactions.
8	Sharp Corporation	It was pointed out that we have relationship with a supplier in the ASPI report, but as a result of an investigation, we found that there is no relationship with the supplier. We confirmed that there is no direct or indirect business relationships with them.
9	Nintendo Co., Ltd.	We seek to ensure that there is no forced labor in our supply chain, and we have not received any reports of it to date.
10	Display Inc.	We have investigated our suppliers and secondary suppliers and have confirmed that there is no link to forced labor. For this reason, we did not conduct a new investigation.
11	Ryohin Keikaku Co., Ltd. (Muji)	We asked an independent audit organization to conduct due diligence on the factory in Xinjiang Uyghur Autonomous Region which is indirectly related to us through the supply chain. As a result, no serious problems have been identified at this time, except for correctable findings.
12	UNIQLO Co., Ltd. (Fast Retailing Co., Ltd.)	We have confirmed that no forced labor of any kind, including Uyghurs, has occurred. The two suppliers mentioned in the report have already confirmed that they do not have any business with UNIQLO. Last year, UNIQLO and GU also conducted an investigation of major material and textile factories in the upstream process of the factories that they do business with, and confirmed that there are no production facilities located in Xinjiang Uyghur Autonomous Region, and also confirmed that there is no forced labor in factories located outside the autonomous region.

13	Shimamura Co., Ltd.	We asked our relevant suppliers if there was any forced labor, but they informed us that no such activities had taken place.
14	Panasonic Corporation	No response.

II. Japanese Companies' Technology and Responsibility for Facilitating Mass Surveillance and Serious Human Rights Violations Against Uyghurs

Human Rights Now and the Japan Uyghur Association have conducted an analysis and investigation of the surveillance cameras of Hikvision Digital Technology Co., Ltd., a major Chinese surveillance camera company sanctioned by the United States for its involvement in large-scale surveillance that constitutes part of the serious human rights crackdown on the Uyghurs and other Turkic peoples in East Turkistan (Xinjiang Uyghur Autonomous Region), and confirmed that several Japanese companies supply parts for the cameras.

Widespread and systematic violations of human rights against these people , including physical and mental torture, sexual abuse, forced labor, enforced sterilization, family separation, enforced disappearances, and cultural persecution, are supported by a mass surveillance system called the Integrated Joint Operations Platform (IJOP).

We overhauled a "Hikvision" surveillance camera similar to the one actually used by the IJOP. Results are shown in the table below. Also, based on the results of the survey, we sent a questionnaire to the companies asking for their awareness of the issue and their future responses. We asked them to respond in good faith in order to promote transparent dialogue between the companies and civil society. We received responses from six companies other than Micron Japan, Ltd., most of which did not seem to have conducted detailed surveys and simply stated their company's management policies. Responses are shown in the table below.

Questions for the companies

1. What is your perception of your company's supply of technology and components to "Hikvision" being used to monitor Uyghurs?

2. Hikvision is a company that has been embargoed and sanctioned by the U.S. government for violating the human rights of Uyghurs. It has also been reported that the U.S. government is considering placing the company on the Specially Designated Nationals (SDN) list, which is an even harsher sanction. Under these circumstances, your company's supply of technology and parts would provide "Hikvision" with a means of evading sanctions and would put a damper on efforts to end mass surveillance of the Uyghurs. We believe that this will lead to the promotion of serious human rights violations against Uyghurs, which are pointed out to be equivalent to genocide and crimes against humanity, but are you supplying technology and parts with this in mind?
3. Will you continue to supply technology and parts to Hikvision? If so, what are your thoughts on the company's responsibility to the Uyghur people who are victims of mass surveillance? If not, when do you intend to stop?

No.	Company Name	Confirmed Part (s) Supplied by Company	Responses to the Questionnaire
1	ROHM Co., Ltd.	Memory, U-Step System Lens Driver, Linear Regulator	Although we have no direct business relationship with Hikvision, we have confirmed that we have a record of supplying our products to Hikvision through distributors. Unfortunately, we are not aware of any way to ascertain what the purchasers of the final products (surveillance cameras) in which our components are incorporated are using them for. We have also not been able to confirm that the relevant end products were manufactured or sold for the purpose of intentional human rights violations. (The rest is omitted.)

2	TDK Corporation	Sensor	<p>Although we refrain from disclosing the details of individual transactions, the TDK Code of Ethics clearly states our commitment to corporate activities that consider the interests of our stakeholders, as well as compliance with the laws of each country and region and respect for various international norms, including human rights.</p> <p>In addition, the TDK Group Human Rights Policy clearly states our stance toward respect for human rights, and we conduct various surveys and audits in our supply chain and communicate with our stakeholders in accordance with the policy.</p> <p>If, in the course of this process, it is determined that there is any deviation from these policies regarding human rights, we will take the necessary measures to correct the situation. (The rest is omitted.)</p>
3	Asahi Kasei Microdevices Corporation	Audio Codec Amplifier	<p>Asahi Kasei Group Human Rights Policy", we are committed to respecting human rights in our management. Since we are unable to disclose or comment on individual transactions, we will refrain from responding to individual questions we receive. (The rest is omitted.)</p>
4	THine Electronics, Inc.	LVDS Interface	<p>We take seriously the concern that our customers are using machines equipped with our products for the applications you have indicated. We will continue our responsible business activities and efforts to respect human rights by taking human rights into consideration and considering and taking measures to mitigate the risk of human rights concerns. (The rest is omitted.)</p>
5	Sony Group Corporation	Sensor	<p>While we refrain from commenting on individual companies or transactions, we respect and support the internationally recognized human rights of all persons. We also conduct our business activities in compliance with relevant laws, including U.S. export control laws. (Full text of response)</p>

6	Seiko Epson Corporation	Timing Device	Epson has long practiced respecting human rights, fulfilling its social responsibilities, and enriching society through shared values with suppliers, customers, and business partners in its supply chain. The results of the CSR Assessment Survey to date have not identified any cases of gross human rights violations at Epson, such as automated labor, forced labor, or discrimination. (The rest is omitted.)
7	Micron Japan, Ltd.	Flash Memory	No answer.

HRN Sector-Specific Surveys on the Implementation of the UNGP

I. Apparel Industry

A survey was conducted with 62 companies in the summer of 2018, and a report was released on December 2018.

1. Response rate

Of the 62 companies that received the apparel survey, 21 companies responded, a response rate about 30% lower than the previous survey.

2. Human Rights Policy

Of the 21 companies that responded, only 12 have human rights policies or procurement guidelines in line with international standards. Among the companies that responded, some had no human rights policy at all, some had policies with extremely abstract content that could not be evaluated as a human rights policy, and some did not incorporate specific content such as the Universal Declaration of Human Rights or ILO Conventions. Although an increasing number of companies have human rights policies that refer international standards and formulated CSR procurement policies, etc., none of the 21 companies responded that they have taken specific measures to ensure that their suppliers have human rights and CSR procurement policies.

3. Human Rights Due Diligence

8 companies responded that they are not engaged in or have not initiated human rights due diligence. While the foreign global companies H&M, adidas, Gap, Patagonia, and the Japanese global companies Fast Retailing, ASICS, and Mizuno all responded to the survey, only six of the remaining fourteen companies are engaged in human rights due diligence. Only fourteen companies conducted regular audits.

4. Recognition of suppliers and publishing supplier lists

When asked to what extent they know their suppliers, six companies answered up to primary suppliers, nine companies answered up to secondary suppliers, five companies answered up to tertiary suppliers, and one company did not respond. Regarding the disclosure of supplier lists, only 3 foreign companies (GAP, adidas, and Patagonia) responded that they do so, while 5 companies (Fast Retailing, Wacoal Holdings, H&M, Asics, and Mizuno) responded that they partially disclose their supplier lists. None of the other companies have disclosed their supplier lists at all. This is a major issue.

5. Technical Intern issue

6 companies were not aware of whether their suppliers use the technical intern program, 13 said they do, and only two said they do not. However, both the companies that responded "Yes" and those that responded "not aware" differed, with some simply distributing warning letters or requesting responses to questionnaires, and others conducting individual audits tailored to the actual situation of the technical intern problem, raising concerns about whether sufficient measures are being taken in many cases.

6. Grievance Mechanism for Human Rights Violations

Regarding the process for correcting human rights violations when they occur, seven companies, including Muji, stated that they do not have a remedy procedure. On the other hand, a notable number of Japanese companies stated that, although they have remedy procedures, they are not available to workers of overseas suppliers or

they are available only in Japanese. In contrast, Fast Retailing, GAP, H&M, adidas, Ito-Yokado, and Patagonia said they have remedy procedures available for workers of overseas suppliers.

II. Trading Companies

A survey was conducted for seven Japanese trading companies in the summer of 2019, Mitsubishi Corporation (MC), Mitsui & Co., Ltd., Itochu Corporation, Sumitomo Corporation, Marubeni Corporation, Sojitz Corporation, Toyota Tsusho Corporation. All companies responded to this survey.

1. Human Rights Policy

6 companies other than Sumitomo Corporation indicated that they have human rights policies in place.

All except Toyota Tsusho clearly state compliance with international human rights standards, but only in the abstract.

2. Encouraging suppliers to guarantee human rights

All 7 companies also require their suppliers to respect human rights through their Code of Conduct and other guidelines.

Only Mitsui, Mitsubishi Corporation, and Itochu regularly conduct audits of their suppliers, but it is unclear whether they conduct regular audits of all the commercial products they handle or whether their audits trace back to the country of origin. Mitsubishi responded that it conducts periodic surveys on only some of its products. On the other hand, Marubeni answered that it is in the process of establishing a comprehensive survey system, and the remaining three companies also answered that they conduct audits only when they deem it necessary. Even if there is a human rights policy in place, there is concern that it has become a "pie in the sky" for the supply chains of many commodities.

3. Human Rights Due Diligence

Sumitomo Corporation has not yet implemented human rights due diligence; Marubeni Corporation is in the process of establishing a system; only Sojitz Corporation has implemented it (with timber procurement prioritized); and the remaining four companies have partially implemented it.

4. Identification of suppliers and publication of supplier list

Sojitz is aware of third-tier suppliers for lumber; Sumitomo Corporation is aware of third-tier suppliers; and Itochu tracks some second-tier suppliers. Sojitz, for its other products, Mitsui and Mitsubishi track up to primary suppliers; Marubeni Corporation is in the process of establishing a system; and Toyota Tsusho Corporation did not respond.

5. The technical intern trainee problem

The trading companies have not taken any measures to address the technical intern problem in their supply chains.

6. Diversity, Discrimination, and Harassment Prevention

Although all of the companies are committed to diversity, the percentage of women in executive management positions is extremely low. While 0% of Mitsubishi and Sojitz's executive officers are female, 4.5% of Itochu and 2.9% of Toyota Tsusho's executive officers are female. All companies have adopted a sexual harassment policy.

7. Living wage, child labor, forced labor

Sojitz says that it is currently "working to confirm and improve the situation with priority given to securing minimum wages," while Itochu and Toyota Tsusho only mention the prevention of unfairly low wages.

However, it is unclear to what extent the two companies that have made statements about a living wage have taken measures to implement it.

It was not possible to ascertain the extent to which effective measures have been implemented for child labor, forced labor, and human trafficking across the entire supply chain.

8. Grievance Mechanism

Only two companies, Itochu and Sojitz, provided a relief system available to business partners including suppliers.

III. Seafood Industry

A survey was conducted with 11 companies: Maruha Nichiro, Nippon Suisan, AEON Corporation, Seven & i Holdings Co, Mitsubishi Corporation, Mitsui, Itochu Corporation, Sumitomo Corporation, Marubeni Corporation, Kyokuyo, and Yokohama Reito in May 2021, and a report was released on December 2021. Ten companies responded, all but Kyokuyo.

1. Human Rights Policy

All responding companies set up human rights policies.

2. Traceability

All responding companies know their direct primary suppliers, but beyond that differs from company to company.

Aeon, Mitsubishi Corporation, Itochu Corporation, and Sumitomo Corporation responded that they know their suppliers down to raw materials or have established a system to do so, while Seven & i Holdings only tracks primary suppliers. Maruha Nichiro, Nippon Suisan, Mitsui, and Marubeni do not have sufficient traceability to catchers and fishing vessels. In all cases, supplier lists were not disclosed to the public.

3. Respect for Human Rights by Suppliers

All companies are required to respect human rights through the Supplier Code of Conduct. While all responding companies conduct various types of surveys regarding monitoring, some companies seem to conduct regular visits to suppliers, while others only conduct questionnaire surveys (e.g., Maruha Nichiro).

4. Human Rights Due Diligence

8 companies other than Itochu have conducted human rights due diligence. The degree of disclosure regarding the methods and results of due diligence by other companies varies. While some companies, such as Aeon, provide some specific disclosures on their methods and results, Maruha Nichiro only discloses that it has "screened human rights risks by country and fish type," and it is not clear how it conducted its due diligence.

5. Grievance Mechanisms

Of the 10 fisheries-related companies surveyed, only 2 (Aeon and Seven & i Holdings) have a grievance system in place that is accessible to workers at their suppliers. One company (Maruha Nichiro) has partially established a system accessible to workers on board fishing vessels, but the details of this system are not clear.

6. Stakeholder Engagement

All companies were observed to be engaged in regular dialogue with stakeholders such as labor unions and NGOs.

IV Construction

A survey was conducted with ten general construction companies/developers (Obayashi Corporation, Kajima Corporation, Shimizu Corporation, Sumitomo Realty & Development Company, Taisei Corporation, Takenaka Corporation, Tokyu Land Holdings Corporation, Nomura Real Estate Holdings, Inc., Mitsui Fudosan, and Mitsubishi Estate) in the summer of 2021, and a report was released in April 2022.

1. Human Rights Policy

All surveyed companies have established human rights policies, which clearly state international human rights standards such as the Universal Declaration of Human Rights and ILO Core Labor Standards. Furthermore, each company except Taisei, Sumitomo Realty & Development, and Mitsui Fudosan has indicated in its human rights policy its stance when conducting business in countries and regions where international human rights standards are not observed. All companies have requested their suppliers and subcontractors to respect human rights, but their efforts to address this are mixed.

2. Tracking Subcontractors

Obayashi, Taisei, and Takenaka have tracked up to third-level and subsequent suppliers, and Kajima has tracked up to third-level and subsequent suppliers for some materials, but the others track less than that, with only Takenaka Corporation (only partially) disclosing their suppliers. Obayashi, Kajima, and Takenaka track all subcontractors, while Taisei and Shimizu track up to their third-tier subcontractors, and Mitsui Fudosan, Mitsubishi Estate, and Nomura Real Estate track up to their second-tier subcontractors. Tokyu Land Corporation and Sumitomo Realty & Development only have information on their first-tier subcontractors. Six of the ten companies did not disclose the list of subcontractors.

3. Implementation of human rights due diligence

Obayashi and Mitsui Fudosan did not implement due diligence, while the remaining companies have established implementation systems, although the degree of implementation varies. Some companies have partially implemented due diligence but have not disclosed the results.

4. Diversity and Harassment

The ratio of female executive officers is 0% at Taisei and Kajima, 3.1% at Mitsui Fudosan, 5.0% at Sumitomo Realty & Development, 2% at Shimizu, and 2.5% at Nomura Real Estate. The ratio of women in management positions is less than 10% among the former. All surveyed companies have established rules and regulations prohibiting discrimination and harassment, and furthermore, they have taken measures to prevent discrimination and harassment at suppliers and subcontractors.

5. Stakeholder Engagement

Taisei, Mitsubishi Estate, Kajima, Sumitomo Realty & Development, Shimizu, Nomura Real Estate Development, and Takenaka engage with local residents, while Mitsubishi Estate, Kajima, Shimizu, Nomura Real Estate Development, and Takenaka further engage with NGOs.

6. Long Working Hours and Workplace Accidents

In recent years, the construction of the New National Stadium, a facility related to the 2020 Olympic and Paralympic Games in Tokyo, which was ordered by the Japan Sports Promotion Center and awarded to Taisei, Azusa Corporation, and Kengo Kuma Architects & Engineers JV, involved a first-tier subcontractor of the project losing a human life due to suicide by overwork. The construction industry also has a high incidence of occupational accidents, with the highest number of fatalities among all industries, 258 in FY2020.¹

7. Grievance Mechanisms

All surveyed companies have set up consultation or reporting desks for human rights violations caused by their business activities. At Mitsui and Sumitomo Realty & Development, workers of business partners including suppliers and subcontractors are not allowed to use this service,

Local residents are not allowed to use the service at Mitsui Fudosan, Mitsubishi Estate, Sumitomo Realty & Development, and Nomura Real Estate.²

V. Internet Online Platform Companies

A survey was conducted for the following companies from 2021-2023, and a report will be released soon: Amazon Japan, LLC, Google, LLC, Twitter Japan Inc, Meta Japan Corporation, Yahoo Japan Corporation, and LINE Corporation.

1. Non-Response from the global companies

Of the above six companies, three companies (Google., Twitter Japan, Inc., and Meta (Facebook) Japan) did not respond to our multiple requests for responses. Amazon Japan did not respond directly to individual questions sent by HRN but only sent a website and sustainability report summarizing the company's global sustainability-related initiatives.

This means that people who have had their rights violated through various services can only seek redress through the online help centers and other contact points designated by each service, and they cannot expect a response from employees who are responsible for human rights and compliance, which exposes them to a serious risk of not receiving timely redress. In addition, the companies' unwillingness to respond to inquiries from NGOs demonstrates their clear refusal to engage in meaningful dialogue with stakeholders as required by the Guiding Principles. No matter how progressive the policies of each company may be on a global scale, they will be a mere pie in the sky if they show no regard for users, affected people, or other stakeholders in each country.

2. Human Rights Policy and Human Rights Due Diligence

Z Holdings Group, the parent company of Yahoo Japan and LINE, has established a human rights subcommittee under its Risk Management Committee to formulate a human rights policy and is promoting group-wide human rights due diligence on a risk-based basis. However, it is not clear what measures are being

¹ HRN conducted an investigation in 2019 on extremely hazardous working condition in the Olympic construction site. <https://hrn.or.jp/eng/news/2020/04/23/statement-olympic-organizing-committee-hearing/>

² In the Tokyo Olympic Games, based on the supplier sourcing code, several grievance mechanisms were established, but none of them were effective and accessible. https://hrn.or.jp/eng/wp-content/uploads/2020/06/4707_A_HRC_44_NGO_Sub_En.pdf

taken specifically to address hate speech, online harassment, slander, digital sexual violence against women, and child pornography against users through social networking services.

3. Risk Response

Yahoo has established rules and guidelines for the use of each of its posting platform services according to their purposes and characteristics, prohibits inappropriate postings such as defamation against individuals, implements strict measures such as removing postings or suspending postings for violations, and has established a track record of removing postings and establishing an internal system to implement such measures. They have also started to delete offending posts using a dedicated 24-hour team of human monitors and AI technology developed by the company, and, from 2021, to hide the comment sections of articles with many offending comments. In 2022 it announced that it will reform its news and commenting by requiring users to register their cell phone numbers.

LINE Corporation stipulates prohibited activities in its terms of use as well as that it can take measures such as account suspensions or deletions in the event of prohibited activities. In addition, the company's staff monitors public areas 24 hours a day, 365 days a year, and it deletes posts that violate the terms and conditions as well as suspends accounts. Furthermore, the company is using AI to detect offending images such as obscene, dating, and offensive images, as well as offending text such as slander and spam, and it is continuing to take action to improve accuracy.

**IV. Appendix
Seafood**

	Nissui Corporation	AEON Co., Ltd.	Seven & i Holdings Co., Ltd.	Marubeni Corporation	Maruha Nichiro Corporation	ITOCHU Corporation	MITSUI & CO., LTD.	Sumitomo Corporation	Mitsubishi Corporation
Knowledge about human rights issues such as this case in the seafood industry	Yes	Yes	Collecting information	General knowledge=Yes Knowledge about this case=No	Yes	Yes	Yes	Yes	Yes
Human Rights Policy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Knowledge about suppliers	For most products, we know who caught the fish and who produced it	Producers of raw materials purchased by tier 2 suppliers through the management of product specifications	Tier 1 suppliers	In principles, we strive to know about the entire supply chain. However, we do not disclose the statu of each individual supply chain due to business know-how.	Priority is given to the current status of tier 1 suppliers (For farmed shrimps, investigations of tier 2 suppliers are conducted)	The raw fish is traceable from fishing boats, and processed products are traceable from processing plants	Tier 1 suppliers and some tier 2 suppliers at subsidiary companies	Tier 2 and 3 suppliers for the products that account for the majority of sales of the marine products handled by Sumisho Foods Co.	

Publication of supplier list	No	No	No	No	No	No	No	No	No
Inspection/monitoring of suppliers	Tier 1 suppliers with high transaction volume and dependence are subject to our inspection/monitoring through checklists, site visits, or online Interviews	Questionnaires for suppliers and producers, and audits of processing plants	Checklist for contract manufacturers of PB products, and CSR audits by a third party (visit, interview) for high-risk factories	Conduct surveys and site visits	A survey was conducted on the above suppliers using a survey form. We compile questionnaires, analyze them, and conduct interviews with suppliers or ask them to make improvements	45 supplier companies are subject to our annual on-site visits/inspetions	Questionnaire surveys and on-site visits/inspections	All suppliers are subject to our questionnaire surveys and periodic site visits (once every 5 years)	High-risk suppliers are subject to periodic questionnaire surveys. Site visits as needed.
Human rights due diligence in the seafood industry	Implemented Method and result: To be disclosed in 2021	Implemented Method: Specific disclosure Result: Specific disclosure	Implemented Method: Specific disclosure Result: Abstract disclosure	Impleneted Details have not been not disclosed	Implemented Method: Atstract disclosure Result: Abstract disclosure	Not Implemented	Starting to implement Method: Specific disclosure Result: Abstract disclosure	Starting to implement Method: Specific disclosure Result: Specific disclosure	Implemented Method: (Somewhat) Specific disclosure Result: Abstract disclosure

Measures against COVID-19 for workers in the supply chain	Not confirmed	Not confirmed	Confirmed only at domestic factories	Not confirmed	Not confirmed	Confirmed Checked on disease outbreaks among crew members of fishing vessels in the raw fish trade, as appropriate	No response	In-house interviews were conducted to determine the status of COVID-19 measures in the subject project	Not Confirmed
Grievance system accessible to workers on fishing boats	No	Yes Available to workers at supplier companies	Yes Available to workers at supplier companies	No	Partially	No	No	No	No

Construction

	Obayashi Corporation	Kajima Corporation	Shimizu Corporation	Sumitomo Real Estate	Taisei Corporation	Takenaka Corporation	Tokyu Land Corporation	Nomura Real Estate	Mitsui Fudosan	Mitsubishi Estate
Human rights policy	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Specification of international human rights standards	Yes, when contradicting domestic law	Yes, when contradicting domestic law	Yes, when contradicting domestic law	Yes	Yes	Yes, when contradicting domestic law	Yes, when contradicting domestic law	Yes, when contradicting domestic law	Yes, when contradicting domestic law	Yes, when contradicting domestic law
Supplier audit	Not implemented	To be considered in the future	Not implemented	Yes, regularly	Yes, regularly	Regular assessment of human rights risks in clients/business partners, field survey of workers' quarters	Only when deemed necessary	No audit, but direct engagement	Scheduled to be implemented starting this fiscal year	Scheduled to be implemented starting next fiscal year

Human rights due diligence	Not implemented	Not implemented	Implemented	Partially implemented	Implemented	Implemented	Partially implemented	Partially implemented	Scheduled to be implemented starting this fiscal year	Partially implemented
Knowledge about suppliers	Tier 3 suppliers or beyond	Tier 3 suppliers or beyond (depending on material)	Tier 2 suppliers (depending on material)	Tier 1 suppliers	Tier 3 suppliers or beyond	Tier 3 suppliers or beyond	Tier 1 suppliers	Tier 1 suppliers	Tier 1 suppliers	Tier 1 suppliers
Publication of supplier list	No	No	No	No	No	Publication of partner companies	No	No	No	No
Knowledge about subcontractors	Complete	Complete	Tier 3 suppliers or beyond	Tier 1 suppliers	Tier 3 suppliers or beyond	Complete	Tier 1 suppliers	Tier 1 suppliers	Tier 1 suppliers	Tier 1 suppliers
Publication of subcontractor list	Partially	Partially	No	No	Partially	Publication of partner companies	No	No	No	No
Knowledge about technical intern trainees	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No (planning to start this fiscal year_	Yes

Ratio of female executive officers /managers	Executive officers and managers= 9.3%	Executive Officers=0% Managers= 2.9%	Executive officers=2% Managers= 2.9%	Executive officers=5.0% Managers= 4.5%	Executive officers=0% Managers= 5.1%	Executive officers=0% Managers= 4.8%	Executive officers and managers= 8.6%	Executive officers=2.5% Managers= 3.1% (At Nomura Real Estate, our core operating company)	Executive officers=3.1% Managers= 5.7%	Executive officers and managers= 5.7%
Grievance mechanisms	Yes Available to workers of cooperating companies and local residents	Yes Available to workers of cooperating companies and local residents	Yes Available to workers of cooperating companies and local residents	Yes	Yes Available to workers of cooperating companies and local residents	Yes Available to workers of cooperating companies and local residents	Yes Available to workers of cooperating companies/ Available to local residents depending on the situation	Yes Available to workers of companies with which we have business relationships	Yes	Yes Available to workers of cooperating companies