



# FIFA Women's World Cup 2023

## Human Rights Assessment Report

NOVEMBER 2019

### About this report

The Japan Football Association (JFA) commissioned BSR to undertake an independent human rights assessment to help the JFA bid team understand the human rights risks associated with hosting the FIFA Women's World Cup 2023 in Japan.

BSR undertook this assessment from September to November 2019. This report highlights how the Japanese national context, including national legislation and legal practice, may enable or impede the ability of JFA and FIFA to host and stage the tournament in a way that respects internationally recognized human rights standards, particularly in areas where risks of adverse human rights impacts have been identified. BSR makes recommendations for JFA on mitigation and management measures to prevent and address human rights risks.

This report was funded by JFA, although BSR retained editorial control over its contents.

### ACKNOWLEDGEMENTS

BSR wishes to thank all stakeholders who participated in this assessment.

### DISCLAIMER

The conclusions presented in this report represent BSR's best professional judgment, based upon the information available and the conditions existing as of the date of the review. In performing its assignment, BSR must rely upon publicly available information, information provided by JFA, and information provided by third parties. Accordingly, the conclusions in this report are valid only to the extent that the information provided to BSR was accurate and complete. This review is not intended as legal advice, nor is it an exhaustive review of legal or regulatory compliance issues. The views expressed in this publication are those of its authors and do not necessarily reflect those of JFA and stakeholders involved in the process. Any errors that remain are the authors.

# I. EXECUTIVE SUMMARY

## BACKGROUND

Women's football has a long and illustrious history, with women chronicled playing football in as early as 1628. But not until 1991 was the first official FIFA Women's World Cup established, and since then, it has gained growing popularity. The latest tournament held in France this year broke its record of most viewers for the tournament, where more than 1 billion viewers tuned into official broadcast coverage of the FIFA Women's World Cup across all platforms.<sup>1</sup> Growing attraction for the sport and the FIFA Women's World Cup has also brought increased attention to human rights and equality.

It is important that FIFA and the organizing committee for the next FIFA Women's World Cup in 2023 (henceforth referred to as "the tournament") be fully aware of these issues and of other human rights risks in order to ensure that the human rights of all rightsholders are fully respected during the preparation and hosting of the tournament.

This report was prepared by BSR that serves as an independent human rights assessment to help the Japan Football Association (JFA) bid team understand the human rights risks associated with hosting the FIFA Women's World Cup 2023 in Japan. The report assesses how the Japanese national context, including national legislation and legal practice, may enable or impede JFA and FIFA's ability to host and stage the tournament in a way that respects internationally recognized human rights standards, particularly in areas where risks of adverse human rights impacts have been identified.

The report is meant to fulfill FIFA's bidding requirements for the 2023 tournament, and is expected to serve as the basis for the bid team to develop prevention and mitigation measures and processes to ensure that human rights are fully respected during preparations leading to the tournament and during the tournament itself.

Specifically, BSR reviewed the full range of activities planned by JFA for the entire life cycle of the FIFA Women's World Cup 2023 to identify relevant human rights issues in the preparation and hosting phases of this major sporting event. For each human rights issue identified as relevant, existing Japanese laws, regulations, and legal frameworks—including enforcement of the framework—are examined to identify whether (a) national legislation and legal practice in Japan are in accordance with relevant internationally recognized human rights; (b) there are gaps between national legislation and legal practice and the relevant internationally recognized human rights; and (c) national legislation and legal practice contradict the relevant internationally recognized human rights.

In addition to reviewing national legislation and legal practices, incidents and lessons learned from previous and forthcoming mega sports events were also included as background materials—including, but not limited to, the upcoming 2020 Tokyo Olympics—to provide additional analysis and advice on adverse impacts potentially relevant to the tournament.

As part of its research, BSR referenced reports published by both international and domestic organizations encompassing governmental bodies, civil society organizations, and experts on human rights issues in Japan. At the same time, to complement the desktop literature review, reputable domestic and international stakeholders representing the sports, business, and civil society sectors have been engaged to collect insights on potential human rights risks for major sporting events in Japan.

## KEY FINDINGS FROM HUMAN RIGHTS ANALYSIS AND ASSESSMENT

Using a rightsholder-based approach, we described the human rights risks faced by key rightsholder groups during each phase of the tournament, based on internationally recognized rights and standards, as outlined in the International Bill of Human Rights and the International Labour Organization (ILO)'s Core Conventions. We subsequently detailed how the identified human rights risks might translate practically, in the context of organizing and hosting the tournament in Japan, to highlight the human rights issues that present the highest

levels of risk. Our analysis is organized according to human rights risks pertaining to the following impacted rightsholder groups: workers and volunteers, communities and citizens, players, trainers, officials, media and fans, and vulnerable groups that include women, foreign workers, journalists, human rights defenders, and people with disabilities.

The following section highlights the key human rights risks identified for each rightsholder group throughout the preparation and hosting phases of the tournament.

## **A. Workers**

Hosting a mega sports event typically involves a large number of workers and volunteers, from the preparation stage to hosting. These workers will perform work that ranges from renovation or reconstruction of existing facilities and running the core tournament and activities, to supporting back-end essential services during the tournament, such as security, cleaning, and food/catering services. In addition to staff directly employed by the hosting organizations and affiliates, there may be a large number of contracting and subcontracting involved, due to the temporary, low-skilled nature of most of the work. As a result, areas of human rights risk identified for workers include wages, working hours, occupational health and safety (OHS), freedom of association and collective bargaining, forced labor and bonded labor, as well as nondiscrimination and harassment.

Minimum wage levels are set at the prefectural level rather than at the national level in Japan. Some reports have highlighted insufficient minimum wages, given the high cost of living in certain cities. This may constitute an area of risk, as many of the cities proposed for tournament-hosting are among the largest in Japan. There is also a risk that the legal overtime pay premium will not be adequately remunerated and that minimum wages will not be fully paid by direct and indirect suppliers to the tournament. This is a problem that has particularly affected foreign workers filling low-skilled jobs in Japan.

On the other hand, the government has made efforts to alter the national culture of long, excessive working hours. The latest labor reform, in April 2019, placed a cap on working hours. This reform, however, will not apply to the construction and logistics sectors until 2024, a year after the Women's World Cup is to be held.

Occupational health and safety (OHS) is another key salient issue relevant to any tournament. As the FIFA Women's World Cup typically take place in one of the northern hemisphere's hottest months, high temperatures pose a concern for construction workers and others toiling outdoors. Much of the work surrounding the tournament will be temporary and of high-intensity, and this can negatively impact workers' physical and mental health, even posing danger to life in extreme circumstances. While Japan's regulations regarding OHS align with international standards, it is important to note that volunteers are not categorized as workers and will thus be excluded from legal protections. Another group that may be exposed to OHS risk is foreign workers, due to their limited abilities in speaking Japanese and communicating in the workplace.

Japan has a trade union law that guarantees all workers the rights to freedom of association and collective bargaining. The law is largely in accordance with international standards, though there is concern that complex union registration processes could impede some workers. In practice, contractual workers and vulnerable rightsholders such as foreign workers may also face challenges exercising their rights.

The Labor Standards Act in Japan clearly prohibits forced labor and deductions from workers' salaries. However, a lack of formal regulation prohibiting the charging of fees in sending countries to recruited workers contributes to continued use of bonded labor, whereby workers cannot freely leave their jobs in Japan. Most prone to exploitation via excessive recruitment fees and other potential risks around foreign workers hired through the Technical Intern Training Program (TITP); some workers' freedom of movement has been restricted due to confiscation of travel documents by employers.

With regard to discrimination at work, Japan has broad legislative protections largely aligned with international standards. Gaps, however, include narrow definition of harassment that exclude job seekers and volunteers from statutory nondiscrimination protection; limited prohibitions against the act of harassment; and little effort to follow the punitive measures prescribed in ILO Convention 190 (Violence and Harassment Convention). In practice, various groups continue to face discrimination and harassment at work, including women; foreign workers; lesbian, gay, bisexual, transgender/transsexual, intersex, and queer/questioning (LGBTIQ) employees; and so forth.

## **B. Communities and Citizens**

All mega sports events have the potential to bring significant disruption to communities and citizens in hosting locations. Although forced evictions frequently occur during preparation for sports tournaments, the risk of these is low for the bidding organization because no major infrastructure construction is anticipated. Japan also provides strong protection for tenants; therefore it is unlikely that many will have to make way for short-term rentals during the tournament.

## **C. Players, Trainers, Officials, Media, and Fans**

While sports can bring athletes, fans, and others together in celebration, a number of salient risks identified could affect their rights during the tournament. These include being subjected to undue restrictions on free expression and freedom of movement, as well as privacy breaches.

The Constitution of Japan guarantees freedom of assembly and association and protects all forms of expression. It also provides that all people are equal under law and shall not be discriminated against. There are not, however, clear consequent regulations regarding limitations to freedom of expression, and there is no stand-alone law aligned with international standards. A law against hate speech enforced in 2018 has failed to provide clear guidance on what amounts to hate speech. As a result, any controversial remarks that arise during the tournament will have to be resolved according to the hosting organization's own guidelines.

The predictably large number of visitors will bring increased security risks, ranging from disorderly fan behavior to large public protests and even terrorism. To deter such incidents, public and private security forces are commonly involved in making security checks and screening visitors. While the right to life is guaranteed in the Constitution of Japan as a supreme right of all, it should be balanced with rights associated with nondiscrimination, privacy, and human dignity. Japan does not have a record of unduly limiting freedom of movement, screening in a discriminatory fashion, or taking action against foreign nationals entering or departing the country. Although some view regulations around the use of firearms by police as more permissive than allowed under international standards, few accusations have been found regarding excessive use of force by Japanese law enforcement agencies.

While traditional security measures as body searches and bag-scanning may stir privacy concerns, the use of security-enhancing technologies such as surveillance cameras, biometric recognition that includes scanning of faces and fingerprints, and others could raise greater anxiety. The 2020 Tokyo Olympics plans to install biometric facial recognition systems to monitor access at all venues, and the hosting organization for the Women's World Cup 2023 may well choose to utilize this technology, which may trigger risk around privacy and data storage.

## **D. Vulnerable Groups**

During the research and assessment work, a few rightsholder groups emerged as perhaps the most vulnerable, requiring special attention in the context of a mega sports event. These include foreign workers, journalists, human rights defenders, and disabled persons.

## Foreign Workers

The number of foreign workers in Japan reached 1.46 million in October 2018, having doubled in the prior five years. Earlier in 2019, the government implemented a new visa regime allowing more foreign workers to enter Japan over the next five years, to fill positions in construction and 10 other sectors with known labor shortages.

Foreign workers are subject to protections equal to those of domestic workers under Japanese law. Nevertheless, in practice, foreign workers in Japan have been prone to risks that include forced labor, excessive working hours, hazardous working conditions, unpaid wages, and not receiving the overtime pay premium mandated by law. Around 21 percent of foreign workers are employed through TITP, and represent the most vulnerable group to incur heavy debt. TITP implemented reforms in 2017 to block excessive recruitment fees. Nevertheless, based on the U.S. State Department's Trafficking in Persons Report for 2019, foreign workers from Burma, China, Cambodia, the Philippines, and Vietnam are still subjected to excessive fees, deposits, or commission fees from the organizations that send them to Japan from their home countries.

## Journalists and human rights defenders

Mega sports events often draw global media attention. Apart from broadcasting the event itself, the media can cover political, social, and economic aspects associated with the tournament, or put forth even broader portraits of the host society. While some can be complimentary, others may criticize the hosts or the state. Meanwhile, human rights defenders—which can be independent journalists, local and international civil society organizations, trade unions, local communities, lawyers, and others—may initiate research and publish observations and criticism regarding impacts brought by, or associated with, the event.

Although freedom of expression and freedom of the press are guaranteed in the Constitution of Japan, the Broadcast Act gives the government the power to determine what information is “fair” and thus acceptable for public broadcast. The print media receives less pressure in comparison to the broadcast media, but there remains political pressure regarding content they publish. On the human rights defenders' front, no legislation specifically protects them. Critics have conveyed concerns that the Act on Punishment of Organized Crime and Control of Crime Proceeds may be used to intimidate and harass defenders and ultimately, to criminalize their legitimate activities.

Thus far, no complaints or reports have surfaced regarding harassment of, or safety concerns about, journalists and human rights defenders with relation to the 2020 Tokyo Olympics, which may suggest relatively low risk for them at the Women's World Cup 2023.

## Disabled persons

Accessibility challenges can arise with regard to mobility for huge crowds of mega sports event participants at tournament stadiums and in public transportation. Accessibility to public services and facilities such as catering stands, fan areas, and toilets should be ensured for all visitors, including disabled persons.

Japan has two pieces of legislation providing basic rights for disabled persons and eliminating discrimination against them, both of which accord with the UN Convention on the Rights of Persons with Disabilities (CRPD). Preparations for the Tokyo 2020 Paralympic Games have revealed insufficient disability-friendly facilities, and this has spurred creation of more accessible city infrastructure and a new Tokyo ordinance requesting that hotels construct more wheelchair-accessible options. Accessibility may pose greater challenges in other Japanese cities likely to host matches at the FIFA Women's World Cup 2023.

## **E. Other Issues**

### Human Trafficking

High-profile sports tournaments present some degree of trafficking risk, particularly relating to labor and sexual exploitation. Heightened risks may be connected to increased cross-border movement, demand for a quick and inexpensive workforce, and sex workers.

Japan is considered a relatively low-risk country for human trafficking in general, and the government is considered to have fully met the minimum standards for the elimination of trafficking. However, it remains important to note that Japanese authorities have identified hundreds of potential sex-trafficking victims, including children. This should be considered a potential risk for the hosting organization to carefully assess and mitigate, as appropriate.

### Grievances and Access to Remedy

Given the short-term nature and fixed time frame of mega sports events, foreign nationals may face barriers in attempting to bring complaints to state-based remedial systems. This, in turn, increases human rights risks.

Human rights breaches can be challenged in a range of ways via Japan domestic regulations such as the Code of Civil Procedure, the Penal Code, and the Labor Tribunal Act. Such non-judicial remedies as Japan's OECD-related National Contact Points for Responsible Business Conduct are also in place. These procedures are largely in accordance with international human rights standards, except for a lack of progress on establishing a National Human Rights Institute. During Japan's recent consideration of a National Action Plan on Business and Human Rights, many observers were concerned that access to judicial procedures such as civil legal aid is limited to Japanese nationals and legal residents. Foreign rightsholders need effective access to judicial remedies.

It will be the responsibility of the hosting organization to establish grievance mechanisms so victims can seek remedies in situations whereby courts, or other state-based remedial systems, are unavailable or unable to respond. For instance, the 2020 Tokyo Olympics has established a solid structure to receive complaints in relation to non-compliance with their Sustainable Sourcing Code. However, there are several areas that can be improved to guarantee rightsholders' access to an effective remedy.

### Procurement

Mega sports events have the potential to generate significant impacts through procurement decisions and the activities of their supply chain partners. Although there is a certain level of legally required sustainable procurement for environmental aspect, such as green procurement<sup>2</sup>, in Japan, there is no legal framework for companies to require sustainable procurement for human rights.

FIFA's bidding requirements mandate that hosting organizations must establish a sustainable procurement code. From the lessons learned in staging the 2020 Tokyo Olympics' sustainable sourcing code, solid implementation of the FIFA Women's World Cup 2023's multi-tiered supply chains will be a key challenge.

## **RECOMMENDATIONS AND LEGACY**

### **A. Recommendations**

To ensure that hosting the FIFA Women's World Cup 2023 in Japan does not negatively impact human rights, the hosting organization will need to take a human rights approach from the start of the preparation phase and continue to use this lens through the hosting phase. In line with this, we recommend that the

bidding organization complete a comprehensive human rights impact assessment, in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs), to complement the insights of this report.

It is important that the human rights impact assessment include substantive engagement with stakeholders apart from those consulted for this report. Particularly, all relevant rightsholder groups must be engaged to ensure inclusion of their perspectives. Results and recommendations from the assessment should subsequently be used by the bidding organization as the foundation to develop a human rights policy and strategy for the 2023 tournament.

We have developed recommendations for each rightsholder group, based on the human rights risk analysis presented in section III, as well as our understanding of best practices to prevent, respect, and mitigate human rights risks in general. These recommendations focus on what the bidding organization can do in practical terms to mitigate the identified human rights risks associated with hosting the tournament. They can also help JFA to further promote human rights and leave a positive legacy in Japan after the tournament's conclusion. These recommendations are presented in section IV.

## **B. Legacy**

FIFA's mission statement and vision are "to promote the game of football, protect its integrity and bring the game to all." Specifically, FIFA has pledged that FIFA Women's World Cup will "make a lasting positive impact, with a focus on women's football in the host country/countries." In addition to promoting women's football, FIFA has even broadened its aim by vowing to hold "the most sustainable FIFA Women's World Cup in history and ensure a positive legacy."

In addition to respecting human rights and "doing no harm" by proactively implementing standards provided by the international human rights frameworks, the hosting organization will have a broad opportunity to promote human rights and contribute to the Sustainable Development Goals (SDGs) embraced by the UN.<sup>3</sup>

Of the stakeholders engaged for this report, each shared views and aspirations as to what positive legacy the FIFA Women's World Cup 2023 could potentially bring Japan. Potential legacies the tournament could create include an increase in diversity inclusion, particularly of foreign workers; the enabling of truly sustainable procurement practices among Japanese enterprises; and the elimination of gender discrimination and promotion of gender equality. Additional thoughts regarding opportunities for the further advancement and promotion of human rights are presented in section IV.

## II. BACKGROUND AND METHODOLOGY

### 1) Background and FIFA requirements

This report was prepared by BSR as an independent human rights assessment to help the Japan Football Association (JFA) bid team understand the human rights risks associated with hosting the FIFA Women's World Cup 2023 in Japan. The report assesses how the Japanese national context, including national legislation and legal practice, may enable—or impede—the member association and FIFA's ability to host and stage the tournament in a way that respects internationally recognized human rights standards, particularly in areas where risks of adverse human rights impacts have been identified.

The report explores whether (a) national legislation and legal practice in Japan is in accordance with relevant internationally recognized human rights; (b) there are gaps between national legislation and legal practice and the relevant internationally recognized human rights; and (c) national legislation and legal practice contradict the relevant internationally recognized human rights.

The report is meant to help fulfill FIFA's bidding requirements for the 2023 tournament. It is expected to serve as the basis for the bid team to develop prevention and mitigation measures and processes to ensure that human rights are fully respected during preparations for the tournament and during the tournament itself.

### 2) Objectives and methodology

BSR developed this assessment in response to FIFA's bidding requirements on sustainability and has provided evaluation, based on three key aspects:

1. *Intersection of international human rights standards and mega sports events:*
  - a. We reviewed the full range of activities planned by JFA for the entire life cycle of the FIFA Women's World Cup 2023 in order to identify relevant human rights issues in the context of hosting a major sporting event. Specifically, we analyzed potential human rights challenges that pertain during the preparation phase, which involves such activities as venue and facility construction and/or renovation, domestic and overseas procurement, and sponsorships, as well as the challenges relevant during the hosting phase, which involves activities and interaction among athletes, fans, volunteers, journalists, and venue goods and services suppliers, among others. It should be noted that the preparation phase will not require the construction of any new stadiums or other directly related facilities or auxiliary infrastructure such as airports or accommodations.
  - b. Using a rightsholder-based approach, we described the human rights risks faced by key rightsholder groups during each phase of the tournament, based on internationally recognized rights and standards as outlined in the International Bill of Human Rights and the ILO's core conventions. The preparation phase encompasses rightsholder groups such as foreign workers in Japan and supply chain workers involved in oversea procurement activities, while the hosting phase encompasses rightsholder groups such as athletes and trainers, officials, fans, venue workers and volunteers, venue goods and services suppliers, media, and vulnerable groups such as people with disabilities, among others.
  - c. We subsequently detailed how the identified human rights risks might translate in practice amid the context of organizing and hosting the tournament in Japan, highlighting human rights issues that present the highest levels of risk.

## 2. *Country legislation framework and country context:*

- a. For each human rights issue identified as relevant, BSR examined existing Japanese laws, regulations, and legal frameworks, including enforcement of the framework, to identify alignments, gaps, or contradictions between Japanese law and regulations and the associated international human rights standards. The Japanese laws reviewed include—but are not limited to—the Constitution of Japan, which respects such fundamental human rights as freedom of expression and assembly, the right to equality, and the right to redress, among others. Japanese labor law is established within the constitutional framework, and BSR examined relevant labor laws such as the Labor Standards Act, the Industrial Safety and Health Act, and regulations addressing specific industries, as well as new issues in relation to the government’s labor reform efforts.
- b. As part of our research, we also referenced reports published by both international and domestic organizations encompassing governmental bodies, civil society organizations, and experts on human rights issues in Japan.

## 3. *Stakeholder engagement:*

- a. To complement our desktop literature review, we collected stakeholder insights and recommendations from relevant, reputable domestic and international stakeholders to further identify potential human rights risks for major sporting events in Japan.
- b. We selected stakeholders representing the sports, business, and civil society sectors in Japan, as well as those with specific experience and expertise on human rights in the international sports sector. We conducted in-person interviews with stakeholders in Japan and phone interviews with international stakeholders.
- c. In addition, we also requested that stakeholders conduct a review of the draft report, and we incorporated their comments where relevant with the purpose of the report. BSR retained control over the final contents.

### **3) Caveats and limitations**

The methodology of this assessment was limited by a number of factors. The short timeline to develop and finalize the report necessitated that BSR rely primarily on desktop-based research, with a limited number of stakeholder interviews. A higher number of interviewed stakeholders might have elicited more thorough findings and recommendations; nevertheless, we formulated our stakeholder composition to help ensure the inclusion of comprehensive insights from varied viewpoints.

It is important to note the four-year span from completion of this report to commencement of the tournament’s hosting phase in 2023. We have utilized as much current information as possible on the range of planned activities for the tournament, though details of these activities are limited at this time. We have also included as many insights as possible on existing Japanese law and its framework, which may undergo significant changes in the next four years. This could affect the analysis and risk levels regarding certain issues presented in this report.

### III. HUMAN RIGHTS ANALYSIS

#### 1) Analysis Methodology

As previously outlined in Objectives and Methodology (see section II.2 above), this report's main purpose and aim is to assess and analyze how Japan's human rights landscape and legislation, including laws, regulations, and implementation, may impact its hosting of the FIFA Women's World Cup 2023.

The standard used as the baseline to identify in-country issues and assess country context are internationally recognized human rights, as outlined in various United Nations (UN) treaties and its human rights framework. This section then focuses on human rights issues that are the most salient for hosting a mega sports event, particularly taking the Japan Football Association (JFA)'s hosting plan into consideration.

Consequently, certain issues that are commonly salient to hosting a mega sports event are excluded from this analysis. For example, land and property rights are not examined because there are no plans to build new infrastructure if Japan hosts the FIFA Women's Cup 2023. Important human rights issues that have been spotlighted in the sports world, such as the gender pay gap among athletes and sexual harassment in athletic training, are not assessed in this report, as these issues do not represent risks related to the hosting of a mega sports event, in the strictest manner. This does not, however, eliminate the opportunity for JFA to use its leverage to call for systematic change to address these issues at a national level, which is mentioned in the final section IV, Recommendations and Legacy, of this report.

In accordance with the rights-based approach set out in the international human rights framework, the following subsections are arranged according to impacted rightsholder groups and their rights:

- Workers and volunteers<sup>4</sup>
- Communities and citizens
- Players, trainers, officials, media, and fans
- Vulnerable groups, including foreign workers, journalists, human rights defenders, and people with disabilities

For each of these rightsholder categories, this section provides a detailed analysis of the risk profile that has been identified as potentially salient. The section then highlights the expectations regarding relevant international standards and proceeds to review Japan's laws and regulations to assess their alignment or gaps with international standards.

In addition to our key findings on national legislation and legal practice, we have also indicated potential adverse impacts, based on past circumstances of other mega sports events and the specific Japanese context—including, but not limited to, lessons to be learned from the upcoming 2020 Tokyo Olympics.

## 2) Workers

### a) **Wages: minimum wage and adequate living standard**

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*International human rights instruments recognize minimum wage as the minimum amount of remuneration that an employer is required to pay wage earners for work performed during a given period, which cannot be reduced by collective agreement or an individual contract (ILO Convention 95, Convention 131). According to ILO conventions, the rate of pay for overtime shall not be less than one-and-one-quarter times the regular rate (ILO Convention 1, Convention 30).*

*It is worth highlighting that the ultimate objective of the ILO minimum wage conventions “is to ensure to workers a minimum wage that is adequate for meeting the basic needs of a worker and his or her family.” The ILO’s constitution also emphasizes the provision of “an adequate living wage” in its preamble.*

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Hosting a major sports event typically involves a large number of workers from preparation through the hosting stage. These workers perform work ranging from renovation or reconstruction of existing facilities to running the core tournament and activities, to supporting back-end essential services during the FIFA Women’s World Cup, such as security, cleaning, and food/catering services.

Aside from staff directly employed by the hosting organizations and its affiliates, there may be much contracting and subcontracting involved, due to the temporary and low-skilled nature of most of the work. In many cases, the non-direct employment status of low-skilled workers is associated with concern about low wages, overdue payment, and illegal deductions from wages.

#### **Japan’s legal framework and alignment with international standards**

The Labor Standards Act’s<sup>5</sup> Article 28 sets minimum wage levels in accordance with the provision of the Minimum Wage Law<sup>6</sup> at the regional/prefecture level. By law, the minimum wage in a region must be determined by taking into account workers’ livelihoods and wages, as well as workers’ living expenses, in order that workers can live healthy physical and cultural lives. This broadly aligns with international standards.

As for overtime pay premiums, the Act requires companies to pay at least 125 percent of the standard rate. The revision of the Act under the labor reform, to become effective in April 2020, will require large companies to pay a 125 percent rate for those working up to 60 hours per month and for those working during night shifts; a 150 percent rate for those working more than 60 hours per month; and a 135 percent rate for work performed during holidays. Small and medium-size enterprises are required to pay a 150 percent rate for those working in excess of 60 hours per month, starting in 2023<sup>7</sup>.

#### **Risk in Practice**

There are risks that the overtime pay premium will not be adequately remunerated and that the minimum wage will not be paid to direct and indirect suppliers of the organizing committees for various products and services for the event. According to the regular inspection by Ministry of Labour, Health and Welfare in 2015, violations of overtime pay premium were identified in 2.7 percent of inspected construction enterprises which have high demand of foreign workforce<sup>8</sup>. On the other hand, its violations were found in 13.6 percent of inspected enterprises implementing Technical Intern Training Program (TIIP) in 2018<sup>9</sup>. Therefore, the risk may be particularly salient if there is a reliance on foreign technical intern trainees under the TITP.

In 2018, a governmental investigation regarding TITP foreign trainees who had vanished from their posts, evidently having fled, found 759 cases of suspected violations, including unpaid wages<sup>10</sup>. The results showed that 58 interns were being paid below the legal minimum wage, while an additional 69 weren't being paid contract wages.

Workers who are paid minimum wage involved during the preparation and hosting phases of the tournament will also not necessarily be able to maintain an adequate living standard, particularly those who live in major Japanese cities. Many reports have highlighted the insufficient minimum wage levels, given the high cost of living<sup>11</sup>. As a measure to combat this issue, the minimum wage has been increased in October 2019<sup>12</sup>. It will be necessary to monitor carefully whether this minimum wage increase is sufficient.

## **b) Working hours**

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*International human rights instruments recognize that everyone has the right to “rest and leisure, including reasonable limitation of working hours and periodic holidays with pay” (Universal Declaration of Human Rights [UDHR], Article 24; International Covenant on Economic, Social and Cultural Rights [ICESCR], Article 7d).*

*The ILO set the principle of a forty-hour week (ILO C47) and set standards that standard weekly working hours (excluding overtime) cannot exceed 48 hours per week and 8 hours a day (ILO C001, C030). In addition, workers shall enjoy a rest period of at least 24 consecutive hours every seven days (ILO C014, C106). Part-time workers also shall enjoy conditions equivalent to full-time workers in terms of paid annual leave and sick leave (ILO C175). Only under exceptional circumstances, as defined by the ILO, is overtime permitted, and adequate remuneration must be provided (ILO C001, C030). If there are workers requested to work from midnight to 5 a.m., alternative measures should be taken to protect the night workers (ILO C171).*

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Organizing and hosting a mega sports event comes with inflexible deadlines and enormous pressure on the host and its affiliates. This may, in turn, trigger long, excessive working hours for workers and staff on the ground to ensure that preparation and activities run smoothly.

The risks of excessive overtime work and ensuing health problems are particularly high in labor-intensive industries relevant to preparing and hosting a mega sports event, such as construction, cleaning, food catering, and so forth. Groups particularly affected include foreign workers and casual employees, including contractors, dispatch (temporary) workers, and volunteers.

### **Japan’s legal framework and alignment with international standards**

Even though Japan has not ratified any of the above-mentioned ILO conventions related to working hours, Japanese laws on working hours and overtime accord with international standards.

There is, however, a gap related to the rest period. Japanese law provides employees at least one day off per week, but also grants employers the option of providing workers with four days off in any four-week period. The latter is permitted by ILO only with the understanding that all proper humanitarian and economic considerations have been fulfilled, and only after consultation with responsible associations of employers and workers. Labor reform earlier in 2019 has encouraged employers to set a daily rest period of 9 hours or 11 hours, but it has yet to provide new regulations meant to provide at least 24 consecutive hours of weekly rest period every seven days.

### **Risk in Practice:**

The issue of excessive working hours and overtime may be experienced by workers at all levels across industries facilitating a mega sports event, including construction and staffing at sport competitions and venues, as well as in supply chains providing services and goods. It may also arise when it comes to volunteers, particularly any not subject to protection under labor laws.

For decades, long, excessive working hours have been the conventional practice in Japan. In 2017, non-compliance of working hours was found in 30 percent of inspected enterprises by the Labor Standards Inspection Office regular inspection<sup>13</sup>.

Concern about a prevalence of *karoshi* (death from overwork) further highlights the severity of excessive working hours. In 2017, a worker who worked for construction management at the Tokyo Olympic stadium construction site committed suicide following 190 hours of overtime in a month<sup>14</sup>. A subsequent review of the site by labor officials found that nearly 40 companies had illegal overwork issues, with worker overtime exceeding 80 hours to 150 hours per person each month<sup>15</sup>. According to the Ministry of Health, Labour and Welfare, 21,321 people died by suicide in Japan in 2017; among the 74.7 percent whose motivation could be determined, 1,991 (9.3 percent) committed suicide due to “work-related issues,” including cases of “exhaustion due to overwork” (*karojisatsu*)<sup>16</sup>.

As a measure to combat long, excessive working hours, the government initiated a labor reform and imposed a new threshold of 45 hours of overtime per month and 360 hours per year, and promoted a work-interval system. However, the monthly overtime cap can be extended to 100 hours in peak seasons for six months per year, which may undermine the original intention to impede excessive overtime. At the same time, employers must grant at least five days annual paid leave of the 10 days to which employees are entitled. The reform is already in effect for major firms and will apply to small and medium-size enterprises (SMEs) and some specific industries, including the construction industry, in 2020 and 2024, respectively<sup>17</sup>. Risk may be particularly high in industries that have not yet been regulated such as construction and logistics.

### **c) Occupational health and safety (OHS)**

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*The ILO constitution and conventions set forth the principle that workers must be protected from sickness, disease, and injury arising from employment. ILO conventions have outlined that “occupational health and safety means preventing accidents and injury to health arising out of, linked with or occurring in the course of work, by minimizing [...] the causes of hazards inherent in the working environment” (ILO C155, 187, and 161).*

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The organization and operation of a large-scale sporting event such as the FIFA Women’s World Cup relies on a sizable temporary workforce performing a range of jobs in a variety of conditions. These individuals can be directly or indirectly employed, and might include construction workers, security personnel, retail workers, food services workers, stadium staff, and a vast range of employees in ancillary services. A large number of volunteers will be unpaid, yet they will perform duties in an environment similar to that of paid workers, who might then be vulnerable regarding safety.

Occupational health and safety issues are particularly salient in the construction phase; concerns have been raised about hot weather and other factors. OHS concerns may also arise in the hosting phase, due to long and excessive working hours, outdoor work, and the need to deal with a large influx of fans and athletes. The temporary, intensive nature of the work around the tournament can

negatively impact workers' physical and mental health and even, in extreme circumstances, threaten lives.

### **Japan's legal framework and alignment with international standards**

Japan has ratified ILO Convention 187 (Promotional Framework for Occupational Safety and Health Convention). Nevertheless, it has not ratified other crucial OHS conventions under ILO, such as ILO Convention 155 (Occupational Safety and Health Convention), Convention 161 (Occupational Health Services Convention), and Protocol 155 that sets out basic principles for OHS policy and strategy implementation as well as monitoring.

Regardless of the limited number of ratifications, the Industrial Safety and Health Act in Japan largely aligns with international standards. In particular, the Ministry of Health, Labour, and Welfare has issued additional regulations specific to the construction industry. The Japan Construction Occupational Safety and Health Association has also issued voluntary guidelines to prevent OHS hazards and accidents<sup>18</sup> in the industry.

Under the Industrial Safety and Health Act, certain staff members, especially volunteers, are not categorized as workers and are excluded from legislative protection.

### **Risk in Practice:**

Construction workers, volunteers, or self-employed contractors may face particular health and safety challenges. Although only limited construction work is foreseen in the preparation of the tournament, workers in this sector face the greatest risk of accidents and fatalities in Japan, according to the Ministry of Health, Labour and Welfare<sup>19</sup>. Throughout the tournament, volunteers and the self-employed may occupy various roles indistinguishable from those filled by regular employees, thereby facing the same hazards, yet they may be excluded from the full set of legislative protections.

Finally, foreign workers are most exposed to OHS risk due to their limited Japanese language skills and communication barrier with co-workers and managers in their workplaces. In 2018, in response to the results of an assessment conducted by local labor authorities, the Ministry of Health, Labour and Welfare reported that it had asked 21.1 percent of 659 business facilities employing foreign technical intern trainees in construction sectors to correct practices regarding OHS<sup>20</sup>.

## **d) Freedom of association and collective bargaining**

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*Freedom of association, including the right to form and to join trade unions, is proclaimed in the Universal Declaration of Human Rights (UDHR, articles 20 and 23). The International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) each contain provisions that relate to trade union membership and formation.*

*Freedom of association and collective bargaining is one of the founding principles among the eight ILO Core Conventions. ILO Convention 87 provides that workers and employers have the right to establish organizations that must be allowed to operate independently and autonomously, without interference by public authorities. The full development and utilization of machinery for voluntary negotiation between workers/their unions and the employers are protected by ILO Convention 98.*

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The rights to freedom of association and collective bargaining are central human rights, yet they can be the most contested and complex to interpret. Many of the sectors that provide highly competitive

jobs are characterized by a lack of unions, particularly among contractors and subcontractors and workers in sales, security, and the hospitality sector.

### **Japan's legal framework and alignment with international standards**

Japan has ratified ILO Conventions 87 (Freedom of Association and Protection of the Right to Organise Convention) and Convention 98 (Right to Organise and Collective Bargaining Convention). Its Constitution has guaranteed workers' rights to organize and to bargain and act collectively in Article 28. More specifically, the Trade Union Law provides all workers the right to form organizations autonomously (Article 2), as well as collective bargaining between trade unions and either specific employers or employers' associations.

The Japanese framework largely accords with international standards, with a few minor gaps and areas of concern. One is that the union registration system has required that separate unions be created in each municipality in order to get registered; this can delay the establishment of trade unions. In addition, collective bargaining rights are not outlined for "dispatch" (temporary) workers, which may impact their ability to negotiate working conditions<sup>21</sup>.

### **Risk in Practice:**

Most workers in Japan have the right to organize, bargain collectively, and strike. However, only 17 percent of workers participated in trade unions in 2018, according to the Ministry of Health, Labour and Welfare<sup>22</sup>.

Due to the less-regulated nature of some jobs and the use of contractors or subcontractors, vulnerable rightsholders such as foreign workers are more likely to face challenges in securing freedom of association and collective bargaining.

Dispatch, or temporary, workers can also face high risks. Even though the number of such workers used during the tournament might be relatively small, attention must be paid to their working conditions because they lack the right to bargain collectively.

## **e) *Forced labor and bonded labor***

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*The prohibition of all forms of slavery or servitude is guaranteed by the Universal Declaration of Human Rights (UDHR, Article 4), while the International Covenant on Civil and Political Rights provides explicit text on the prohibition of forced or compulsory labor (ICCPR, Article 8).*

*Core ILO conventions and protocol also prohibit all forms of forced or compulsory labor, defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" (ILO conventions 29 and 105, protocol 29).*

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Mega sports projects often need a lot of labor, creating job opportunities. Unfortunately, this can mean a high probability of exploitation. The risks of forced labor can be found almost anywhere in the value chain for a mega sports event, including in supply chains and other key business activities associated with preparing for and staging a major event<sup>23</sup>. This may involve various private activities, from infrastructure construction, hospitality, and catering services to the manufacturing of sporting equipment and tournament-associated merchandise, and so forth. These areas tend to involve a large number of foreign workers vulnerable to exploitation and forced labor.

## **Japan's legal framework and alignment with international standards**

Japan ratified ILO Convention 29 (Forced Labour Convention) in 1932, but it has not ratified the other core ILO convention regarding forced labor, ILO Convention 105 (Abolition of Forced Labour Convention), to date.

However, Japan clearly prohibits forced labor under its Labor Standards Act, which states that “an employer shall not force workers to work against their will by means of physical violence, intimidation, confinement, or any other unfair restraint on the mental or physical freedom of the workers”<sup>24</sup>. Article 17 of the Act also bars wage deductions from workers. Although Article 32-3 of the Employment Security Act prohibits domestic recruitment fees, there are no existing regulations on recruitment fees charged overseas, which is currently one of the root causes of bonded labor in Japan.

In order to prevent TITP participants from incurring high amounts of debt in their originating countries, the Technical Intern Training Act mandates that foreign dispatching organizations establish and disclose the standards by which they have calculated fees collected from technical intern trainees<sup>25</sup>.

In addition, in 2017, the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees<sup>26</sup> was enacted to protect foreign trainees from labor abuses, including forced labor. The law clarifies the role of each party, including the government, the supervising organization, and employers, and has set requirements to strengthen monitoring mechanisms.

### **Risk in Practice:**

Mega sports events usually involve a large number of low-skilled jobs, which are typically filled by foreign workers due to shortages in Japan's workforce. The temporary nature of mega sports events can further exacerbate how workers are recruited and treated by companies or by company subcontractors.

Current Japanese laws do not clearly prohibit or limit the sum of recruitment fees charged to foreign workers overseas, subjecting many of them to the risk of becoming bonded labor. Other treatment leading to forced labor conditions for unskilled laborers include confiscation of passports, “guarantee deposit” and “penalty charges,” and threats to arbitrarily terminate the contracts of workers who report unjust treatment<sup>27</sup>.

Evidence of such cases were outlined in the U.S. State Department's Trafficking in Persons Report 2019, which reported that foreign workers from Burma, China, Cambodia, the Philippines, and Vietnam were paying the organizations in their home countries that had sent them as much as \$10,000 in excessive fees, deposits, or commission fees to work in Japan<sup>28</sup>. Verité's report also found that many Chinese workers interviewed had taken on significant debt to work under TITP, which impeded them from leaving their jobs. Furthermore, freedom of movement was restricted in some cases, due to the withholding of travel documents by employers<sup>29</sup>. The ILO also observed some cases where interns' right to change employer was limited due to debt<sup>30</sup>.

Even though the 2017 reform improved TITP's oversight mechanism by increasing the number of inspections, the number of inspectors available to investigate allegations of human rights violations and forced labor cases may still be insufficient.

Potential risks also exist in the hosting organization's supply chains for the agricultural, manufacturing, and service sectors.

f) **Non-discrimination and harassment**

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*International human rights instruments recognize the right to work and the right to just and favorable work conditions, with no distinction, exclusion, or preference on the basis of race, color, sex, religion, political opinion, national extraction, or social origin that can effectively nullify or impair equality of opportunity or treatment in employment or occupation (UDHR, Article 23; ILO conventions 100 and 111).*

*The ILO Convention protects workers and employees, irrespective of their contractual status, and guards persons in training, interns and apprentices, workers whose employment has been terminated, volunteers, job seekers, and job applicants from violence and harassment (ILO Convention 190).*

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Discrimination in employment is a salient risk for a mega sports event such as the FIFA Women's World Cup, especially because many temporary jobs are often occupied by particularly vulnerable, low-skilled workers such as women and foreign workers. Sexual minorities, too, may face an increased risk of discrimination in terms of recruitment, wages, and promotion, due to persistent discrimination. Harassment is another key risk at the workplace, as vulnerable rightsholders often face risks in the absence of strict regulation.

In addition to workers as rightsholders, considering the need for a large number of volunteers during the FIFA Women's World Cup, they may also face these risks.

**Japan's legal framework and alignment with international standards**

ILO Convention 111 (Discrimination (Employment and Occupation) Convention) prohibits discrimination in all aspects of employment or occupation, however Japan's Labour Standards Act does not specifically mention discrimination in terms of hiring. Nevertheless, the Ministry of Health, Labour and Welfare has provided non-binding guidelines to prevent discrimination in hiring. The Equal Employment Opportunities Act also clearly prohibits discrimination on the basis of gender.

In 2019, Japanese labor laws were amended to include provisions around workplace harassment. While ILO Convention 190 (Violence and Harassment Convention) defines violence and harassment as widely unaccepted behaviors that includes practices and threats which result in physical, psychological and economical harm; Japanese laws narrowly define violence and harassment at the workplace as bullying committed by people who take advantage of their superior positions and sexual harassment.

Still, Japanese law does not include protections for job seekers and volunteers, does not prohibit the act of harassment itself, and does not prescribe punitive measures as described in ILO Convention 190. Only acts such as assault, injury, defamation, and insults which constitute harassment are prohibited and punished under the Penal Code.

**Risk in Practice:**

Female, LGBTIQ and foreign workers involved in the preparation and hosting of the tournament might face particular discrimination challenges.

**Women**

Women have faced persistent wage gaps and limited job opportunities in Japan, compared to those of men. According to the Japan Institute for Labour Policy and Training, women's wages amounted to 73 percent of what men earned in 2018<sup>31</sup>. While Japan has made progress in recent years, it still has the

third-highest pay gap among Organisation for Economic Co-operation and Development (OECD) countries, at 25.7 percent<sup>32</sup>.

The Japanese government intends to implement an “equal pay for equal work” regulation in order to eliminate unreasonable wage gaps, a reform to take effect for major companies in 2020 and apply to small and medium-size enterprises (SMEs) in 2021<sup>33</sup>. It will be necessary to monitor carefully whether this regulation is fully enforced.

In addition, it is important to note that a sharp division of labor in Japan still exists. Women do more than three-quarters of unpaid work (i.e., housework, household care, and other unpaid activities)<sup>34</sup>, and they devote five times as much time to these activities as men do. This is the biggest disparity among the 29 countries for which this data is available<sup>35</sup>.

Women in Japan also face challenges in advancing their careers. Japan’s performance regarding the number of women in management positions, the percentage of women on boards of directors, and the number of women holding leadership positions in public life is among the worst in the OECD<sup>36</sup>.

The persistence of these gaps may reinforce gender stereotypes and hinder the aspirations of women in Japan. In 2018, for example, it was found that female applicants’ test scores had been manipulated by a prestigious medical school’s admissions office in order to restrict the number of female students, letting more men become doctors<sup>37</sup>.

Violence and sexual harassment in the workplace are also serious issues faced by women in Japan. An employee survey conducted by the Ministry of Health, Labour and Welfare in 2016 found that 30 percent of women in full-time and part-time employment reported being sexually harassed at work<sup>38</sup>. Local media in Japan have also reported serious cases of workplace bullying at work, including some that led to suicide by victims of bullying.<sup>39</sup>

According to the Ordinance for the Enforcement of the Act on Ensuring Equal Opportunities for and Treatment of Men and Women in Employment, it is mandatory for employers to take measures to prevent and respond to sexual harassment in the workplace; however, Japan does not have comprehensive laws to prohibit the act of harassment itself. As mentioned previously, only acts such as assault, injury, defamation, and insults are prohibited and punished under the Penal Code. Courts often address sexual and other harassment cases via personal injury damages under the Civil Code<sup>40</sup>.

Prefectural labor offices and the Ministry of Health, Labour and Welfare have provided companies with guidance and recommendations, and companies that fail to comply with such guidance may be publicly identified. However, the government has not publicly identified any company with sexual harassment since 2015, and the problem persists in the workplace<sup>41</sup>.

### Foreign workers

Foreign workers have also struggled amid workplace discrimination. A nationwide survey on foreign residents conducted in 2017 showed that 25 percent of foreign workers had experienced being turned down by potential employers because of their nationality, while 19.6 percent of respondents reported they were paid a lower rate than were Japanese co-workers<sup>42</sup>.

### LGBTIQ

It has been reported that, because of their sexual orientation, members of the LGBTIQ community faced discrimination during job interviews<sup>43</sup>. The Tokyo Metropolitan Government adopted an ordinance banning discrimination against the LGBTIQ community and other sexual and gender minorities, but only a few other municipalities in Japan have adopted similar ordinances<sup>44</sup>. Thus, members of this vulnerable group who are involved with the preparation and/or hosting of the 2023 FIFA Women’s World Cup may be at considerably higher risk of discrimination.

These vulnerable rightsholders have also faced workplace harassment. Given that a survey shows that women experience sexual harassment more frequently than men<sup>45</sup>, the absence of strict regulation of harassment in Japan will remain an issue for all such vulnerable groups. The large number of volunteers needed during the 2023 FIFA Women's World Cup will also expose volunteers who are members of these vulnerable groups to the risk of harassment.

### 3) Communities and citizens

#### a) *Housing rights and adequate living*

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*Adequate housing is recognized as part of the right to an adequate standard of living in several international human rights standards (UDHR, Article 25; ICESCR, Article 11(1)).*

*The right to adequate housing should be seen as the right to live somewhere in security, peace, and dignity. A key element of this right is protection against forced evictions, which is closely linked to security of tenure. This right encompasses issues of tenant protection, discrimination in the housing sphere, and access to basic housing-related services.*

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The history of mega sports events<sup>46</sup> shows that each host location has faced challenges in its housing market. Urban regeneration drove a surge in evictions of vulnerable tenants and informal dwellers, including already homeless people, to make way for sport- and event-related infrastructure or to accommodate short-term rentals for fans and tourists.

In Japan, permanent or temporary involuntary removal of individuals, families, and/or communities from their homes will risk infringing on the inhabitants' rights to adequate housing and quality of life. Legal protection and remediation must be provided to any evicted persons, with particular care paid to vulnerable groups such as elders, those with disabilities, indigenous people, and the homeless.

There may also be transportation problems and other disruptions impacting residents' quality of living as large number of athletes, fans and visitors come from abroad and from elsewhere in Japan for the tournament.

#### **Japan's legal framework and alignment with international standards**

The Constitution of Japan recognizes people's right to maintain minimal standards of wholesome, cultured living. The government's responsibility to ensure and improve stable housing is further fleshed out in the Basic Act for Housing (Act No. 61 of 2006).

In cases of private property rental, Japan has strong protections for tenants. Landlords cannot evict a tenant at any time for reasons other than those specifically outlined in legislation.

#### **Risk in Practice**

No major infrastructure creation is anticipated if the JFA hosts the 2023 Women's World Cup, so the risk of widespread housing rights violations is low. Nevertheless, certain infrastructure that may be used for the Women's World Cup has been under the spotlight due to potential legacy human rights risks.

Amid preparations for the 2020 Tokyo Olympics, reconstruction of the National Stadium has led to demolition of a nearby park and a public housing compound built for the 1964 Olympics. Faced with more than 200 tenants and dozens of homeless inhabitants, government has offered

alternative housing that is considered “adequate” in terms of physical living conditions. Still, many of those evicted, particularly elders, have expressed uneasiness about relocating and concern about their right to choose housing that suits their needs<sup>47</sup>.

Despite a real estate-market boom accompanying a series of mega sports events taking place in Tokyo, the housing rights of tenants, at least, should not come under undue pressure, given the strong protective regulations.

Nonetheless, risks may face groups with low awareness or knowledge of their rights, including foreign workers with language barriers, elders that find it difficult to access information, and otherwise low-educated, financially vulnerable populations.

#### 4) **Players, trainers, officials, media, and fans**

##### a) ***Freedom of expression and assembly***

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*Freedom of expression and the freedom of peaceful assembly and association are recognized respectively as human rights under article 19 and 20 of the UDHR and many other international human rights standards.*

*Both rights can be subject to certain restrictions for legitimate purposes under international law. These may relate to respecting the reputations or rights of others, such as the right to equality and non-discrimination, or to the protection of national security, public health, morals, or order.*

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While sports can bring fans together in celebration, there is also the possibility that opposing teams and fans will adopt confrontational viewpoints and behavior. Many previous mega sports events have been marked by instances of violence or significant confrontation.

When verbal remarks or physical behavior are rooted in, or target, an intended recipient’s personal characteristics (such as race, national or ethnic origin, religion, gender, sexual orientation, and so forth), the right to non-discrimination may be violated. Certain players, teams, officials, media, and fans may experience discriminatory or differentiated treatment if a host nation’s laws or social practices discriminate against particular groups.

Mega sports events can potentially spur political unrest, serving as a platform for people to express opinions on issues other than sports. Civil society groups and activists may deem a high-profile sporting event a promising channel for expressing opinions and might hold protest events to raise global awareness and draw attention to certain issues.

Disputes and potential risks to human rights may arise. There is no definitive “fine line” regarding hate speech when it comes to potential conflicts between freedom of expression and freedom of assembly and security.

#### **Japan’s legal framework and alignment with international standards**

The Constitution of Japan guarantees freedom of assembly and association and protects all forms of expression. There are not, however, clear regulations regarding limitations on freedom of expression.

The Constitution also provides that all people are equal under law and shall not face discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin. Other than the Constitution, no stand-alone law defines discrimination under such contexts as racial and

gender discrimination, aligning with international standards set out by the Committee on the Elimination of Racial Discrimination (CERD) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)<sup>48</sup>.

Japan has enforced a law against hate speech<sup>49</sup>, but has failed to provide clear guidance or set penalties for violations. The effectiveness and enforcement of the act have been questioned by civil society and in a 2018 CERD review<sup>50</sup>. Gaps also persist with regard to stipulations addressing sexual orientation and LGBTIQ groups.

In 2018, the Tokyo Metropolitan Government adopted an ordinance banning hate speech and prohibiting discrimination against sexual minorities in order to promote respect for human rights with regard to the Olympic Charter. To thwart hate speech, the ordinance restricts the use of public spaces and facilities such as parks and halls by groups involved in hate-speech demonstrations. The criteria for what constitute a hate speech event are vague, which has stirred fears that the ordinance could be used arbitrarily to suppress freedom of expression<sup>51</sup>.

### **Risk in Practice**

While recently developed regulations governing hate speech lack specificity, freedom of assembly in Japan faces few obstacles. Protests have been staged on a variety of topics that include political scandals and the 2019 immigration bill<sup>52</sup>.

The 2023 FIFA Women's World Cup may attract relatively lower levels of attention than would accrue to a FIFA Men's World Cup or a Summer Olympics. This does not, however, fully eliminate potential risks around freedom of expression, association, and assembly. For example, the risk that discriminatory remarks and violence will occur among fans and teams in stadiums may be relatively lower for the tournament than for a FIFA Men's World Cup, given the lack of such incidents in previous FIFA Women's World Cups, but risks remain.

On the other hand, risks of discrimination may arise in the realm of advertising and marketing, whose practices can deeply influence people's philosophical and social beliefs, choices, and aspirations via messages that violate human rights standards (e.g., discriminatory commercial content). Women and children, for instance, are vulnerable to the effects of promotional efforts such as the one Burger King (which was not a World Cup sponsor) launched in Russia around the 2018 FIFA Men's World Cup; it was swiftly withdrawn on being deemed gender-discriminatory<sup>53</sup>.

## **b) Safety and security: Right to life, freedom of movement and travel**

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*International human rights standards recognize that everyone has the right to freedom of movement and residence within the borders of each state, as well as the right to leave any country, including their own, and return to their country.*

*In exceptional circumstances, this right may be restricted to protect national security, public order, and health or morals, as well as the rights and freedoms of others, because the state also has a duty to protect its citizens' right to life. Human rights should nonetheless be guaranteed, and the fundamental principles of equality and non-discrimination remain inalienable.*

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It is foreseeable that a large number of people will visit from abroad and from elsewhere in Japan to take part in the tournament, based on the nature and popularity of mega sports events. Visitors to Tokyo would include athletes, fans, trainers, journalists, and family members thereof, all of whom have the right to safety and security and freedom of movement and travel.

The large influx of visitors would bring increased security risks that are often associated with aggressive and disorderly behavior by fans and others affiliated with the event, including public protests and tragic, indiscriminate attacks (e.g., domestic and international terrorism).

To deter and prevent such incidents, public and private security forces commonly impose strict security protocols, with escalated security checks and screening at the stadium, airports, and other locations. Event participants could be constrained from entering the country or tournament event facilities. These strict security measures can infringe a range of human rights. While the right to life is a supreme right of all people, it should be balanced with rights associated with non-discrimination, privacy, and human dignity.

### **Japan's legal framework and alignment with international standards**

#### **Right to life:**

Japan's Constitution acknowledges the right to life, liberty, and the pursuit of happiness as a supreme right, to the extent that it does not interfere with the public welfare.

#### **Freedom of movement and travel:**

Japan recognizes and protects its citizens' right to choose and change residence, under its Constitution.

For foreign nationals to enter Japan, 68 countries and regions are visa-exempted. Citizens of other countries may enter with a visa, which is issued with different types (single/multiple entry), lengths, and documentation requirements, based on an applicant's nationality<sup>54</sup>. Japan used to maintain a stricter visa policy (e.g., travel agency registration was required) for residents of certain countries, but most restrictions were lifted in recent years.

#### **Law enforcement and the use of force:**

Law enforcement in Japan is provided mainly by prefectural police departments under the oversight of the National Police Agency. Their organizational mandates and duties are stipulated in the Police Law<sup>55</sup>, while enforcement associated with police duties, such as stop and search, use of weapons, emergency aid and protection, and so forth, is well-regulated under the Police Duties Execution Law<sup>56</sup>. Some critics have viewed Japan's regulation allowing the police to use firearms to enforce an arrest warrant as more permissive than allowed under international standards requiring imminent threat to life or of serious injury.

However, accusations of excessive use of force by Japanese law enforcement are rare.

### **Risk in Practice**

While most security incidents are difficult to predict, preexisting levels of social tension and violence in host countries can indicate potential security risks. According to the 2019 Global Peace Index (GPI), Japan ranks ninth among 163 countries worldwide and scores particularly well in safety and security<sup>57</sup>. This does not entirely mitigate security risk: A significant, symbolic event can become an easy target for domestic or international terrorism. Although the likelihood for such a catastrophic event to happen during a relatively small-scale event such as the FIFA Women's World Cup is much lower than during Summer Olympics or the FIFA Men's World Cup, this does not eliminate the risk.

In responding to potential risks, however, advanced security measures taken by organizers could lead to some infringement of rights, notwithstanding Japan's good record regarding undue limitation of freedom of movement, discriminatory screening, or other actions to control foreign nationals entering or departing the country.

In addition, privacy issues may arise from the use of facial recognition technology as a security measure.

### c) **Right to privacy and data security**

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*“The Right to privacy is outlined in all international bills of human rights. When it is essential to the interests of society and is the least intrusive option available, nations can request information relating to an individual’s private life. But there must be laws and regulations specifying in detail the precise circumstances in which such interference may be permitted and how it will be governed.” (ICCPR General Comment No. 16)*

*The protection of the right to privacy is broad, extending not only to the substantive information contained in communications but equally to metadata as, when analyzed and aggregated, such data “may give an insight into an individual’s behaviour, social relationship, private preference and identity that go beyond even that conveyed by accessing the content of a communication.” (2018 Report of the UN High Commissioner for Human Rights, “The right to privacy in the digital age”)*

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A vast amount of information will be collected and stored prior to and during the tournament, ranging from registration for athletes and trainers and direct and indirect workers’ information to commercial activities such as transactions linked to tournament ticket purchases, electronic marketing, and so forth.

Beyond information directly associated with the tournament, video footage and biological data collected for ticketing, admissions, and security purposes is a key area of concern. While some traditional security measures such as body searches and scanning of bags may spur unease over privacy, the use of technologically enhanced security methods will add to the unease. This includes such technologies as surveillance cameras and biometric recognition, including facial recognition and fingerprint scanners.

The creation of a mass biometric database containing the personal information of tens of thousands of athletes and participants at the mega sports event is, according to prior warnings by the UN Human Rights Committee “by definition inseparably linked to a particular person and that person’s life and has the potential to be gravely abused”<sup>58</sup>. Such biometric data may be used for purposes diverging from those for which it was collected, including unlawful tracking and monitoring of individuals. Data security and protection<sup>59</sup> pose an additional risk: Fair processing (including collection, use, and storage) of personal data should be ensured to prevent unauthorized disclosure or breaches of data.

#### **Japan’s legal framework and alignment with international standards**

The Constitution of Japan has not explicitly set forth the right to privacy. Via court interpretations, though, the right to privacy is recognized under Article 13 of the Constitution, giving every individual private liberties, including the right to protect one’s personal data from being disclosed to a third party or made public without good reason<sup>60</sup>.

The Act on the Protection of Personal Information (APPI)<sup>61</sup> requires business operators to specify the purpose for which personal information such as name, address, date of birth to be utilized when they collect it. User consent is required for the acquisition of personal information and for its transfer to a third party, among other requirements.

The Ministry of Economy, Trade and Industry has issued Guidelines for the Protection of Personal Information for the Industry Sector. It contains guidelines for industry use of personal information, whereby personal information includes, but is not limited to, information related to an individual’s physical body (including video images of individuals captured by security cameras) and other information to be treated under APPI.

However, it should be noted that a June 2017 amendment to the Act on Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters<sup>62</sup> could potentially allow greater government surveillance, restricting the rights to privacy and freedom of expression. Serious concerns about this have been raised by the UN Special Rapporteur on the right to privacy<sup>63</sup>.

### **Risk in practice**

States and business enterprises increasingly deploy systems that rely on the collection and use of such biometric data as DNA, facial geometry, voice, retina or iris patterns, and fingerprints<sup>64</sup>. Mega sports events have joined this trend. The 2020 Tokyo Olympics is planning to install biometric facial recognition systems to monitor access at all venues, and the hosting organization may well choose to utilize this technology for the 2023 Women's World Cup.

Although use of biometric facial recognition could provide value through efficient and accurate entering of facility system for mega sports event such as 2020 Tokyo Olympic, specific disclosure on to how to address potential human rights risks as facial reorganization technology is deployed will be critical.

## **5) Other issues**

### **a) Human trafficking**

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*The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons contains a clear definition of trafficking in persons to provide global consistency and consensus around the issue.*

*The Protocol expects that each country's legislation will be adapted in accordance with its domestic legal system to give effect to the concepts contained in the Protocol. The Protocol does not require domestic legislation to precisely follow its language, though it is expected that conduct defined in the Protocol be criminalized in domestic legislation.*

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High-profile sports tournaments present some degree of trafficking risk, particularly regarding exploitation of labor and sexual targets. Heightened risks may stem from increased cross-border movement, demand for a quick, inexpensive workforce, and sexual exploitation. Persistent claims of an increase in the number of people trafficked for sexual purposes in advance of major sporting events are in dispute, and the numbers are often significantly overstated. Nevertheless, the issue requires attention from the tournament organizer and partners.

### **Japan's legal framework and alignment with international standards**

The Government of Japan is considered to have fully met the minimum standards for the elimination of trafficking, as indicated by the country's upgrading to Tier 1 status in the U.S. State Department's 2018 Trafficking in Persons Report and the retention of this status in the 2019 report<sup>65</sup>. The government has acceded to the UN Convention against Transnational Organized Crime (UNTOC) and the 2000 UN Trafficking in Persons (TIP) Protocol<sup>66</sup>. Key developments by the government to enable Japan to achieve Tier 1 status have included the establishment of an interagency taskforce to combat child sex trafficking in *joshi kosei* or JK businesses (i.e., dating services that connect adult men with underage girls) and in forced pornography<sup>67</sup>.

Although the Government of Japan is considered to have fully met the minimum standards for the elimination of trafficking, it has not ratified ILO P029, Protocol of 2014 to the Forced Labour

Convention, 1930. It is also important to note that Japan does not yet have a comprehensive anti-trafficking statute that includes definitions aligned with international standards. Sex trafficking and labor trafficking offenses are criminalized only through disparate laws pertaining to the prostitution of adults and children, child welfare, immigration, and employment standards.

The Act on Regulation and Punishment of Activities Relating to Child Prostitution and Pornography and the Protection of Children criminalizes engaging in, acting as an intermediary for, and soliciting the commercial sexual exploitation of a child; the Child Welfare Act broadly criminalizes transporting or harboring children for the purpose of causing them to commit an obscene or harmful act; and both the Employment Security Act and the Labor Standards Act criminalize forced labor<sup>68</sup>.

Other developments that have enabled Japan to achieve and maintain its Tier 1 status include the government's enforcement of regulations and a new oversight mechanism for the TITP. Under the Technical Intern Training Act, a system was introduced for licensing supervising organizations, along with an accreditation system for technical intern training plans. The government also increased training periods and quotas for technical intern trainees under TITP<sup>69</sup>.

### **Risk in Practice:**

Prior to previous FIFA World Cup tournaments, significant outreach campaigns to prevent human trafficking have taken place in response to the risk of increased sex trafficking. In 2010, for example, the South African government developed and implemented measures to prevent and reduce potential and actual trafficking of children and strengthened the child-protection system at official FIFA Fan Fests. The police also increased brothel checks and investigations into human trafficking syndicates, noting that the number of brothels had doubled in the year preceding the FIFA World Cup<sup>70</sup>.

Overall, Japan is considered a relatively low-risk country for human trafficking, but Japanese authorities have identified hundreds of potential sex trafficking victims, including children, during the 2018 and 2019 reporting periods of the Trafficking in Persons Report<sup>71</sup>. Japanese police have not formally designated these children as trafficking victims; in some cases, the children have been treated as delinquents or been arrested<sup>72</sup>. JFA and organizers of other major sports events in Japan should consider this a potential risk and should carefully mitigate, as appropriate.

## b) Grievances and access to remedy

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*The International Bill of Human Rights provides for the right to a fair trial and the right to an effective remedy for acts violating fundamental rights (UDHR, Article 8, ICCPR, Article 2(3)). Other human rights instruments also stress the need to make remedies available to persons in situations of vulnerability (Convention for the Rights of Persons with Disabilities [CRPD], Article 13).*

*Other than the state's duty to provide individuals with access to national level judicial and non-judicial mechanisms, the UN Guiding Principles on Business and Human Rights (UNGPs) also calls on the private sector to establish effective operational-level grievance mechanisms for those who are adversely impacted (UNGPs, Article 2). To ensure that an effective and appropriate remedy is provided to those impacted, the UNGPs also sets out effectiveness criteria for non-judicial grievance mechanisms, saying that both state and non-state mechanisms should be: legitimate, accessible, predictable, equitable, transparent, rights-compatible, and sources of continuous learning (UNGPs, Article 31).*

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When state-based remedial mechanisms function correctly and efficiently in a country hosting a mega sports event, it is likely that all or most human rights-related grievances could be addressed. This does not necessarily mean that existing mechanisms will be able to meet all expectations, especially in terms of remediation and compensation for victims<sup>73</sup>. Given the short-term, fixed time frame of a mega sports event, there may be barriers impeding complaints by foreign nationals to state-based remedial systems, heightening risks to human rights.

Business enterprises should establish or participate in effective operational-level grievance mechanisms, as the core third pillar of the UNGPs, for individuals and communities who may be adversely impacted.<sup>74</sup> It is the responsibility of hosting organizations to establish grievance mechanisms at the mega sports event, providing an avenue for victims to find a remedy when courts or other state-based remedial systems are unavailable or incapable of responding readily.

### **Japan's legal framework and alignment with international standards**

Human rights breaches can be brought up by rightsholders in a range of ways on the basis of Japan's domestic regulations, such as the Code of Civil Procedure, the Penal Code, the Labor Tribunal Act, and so forth. Such non-judicial remedies as Japan's OECD-related National Contact Points for Responsible Business Conduct and additional labor initiatives are in place to respond to specific types of human rights complaints.

The above-mentioned procedures largely accord with international human rights standards, apart from a dearth of progress in establishing a National Human Rights Institute, which various UN treaty-specific committees have repeatedly called for during country reviews of Japan in recent years<sup>75</sup>.

Notwithstanding Japan's recent move to formulate a National Action Plan on Business and Human Rights, many observers have expressed concern that judicial procedures (such as civil legal aid) are available only to nationals and legal residents, and foreign rightsholders need to be allowed to access judicial remedy effectively<sup>76</sup>.

### **Risk in Practice:**

As part of the preparations for the 2020 Tokyo Olympics, TOCOG established a grievance mechanism under its Sustainable Sourcing Code.<sup>77</sup> Based on information provided on the 2020 Tokyo Olympics website, the grievance mechanism has a solid structure clearly outlining its

scope, high-level complaint handling process, and public disclosure of complaints, as well as the status and reasons for dismissals of any complaints. It has also fulfilled a number of effectiveness criteria requirements as outlined in the UNGPs<sup>78</sup>, namely based on its legitimacy, predictability and transparency.

However, there are a few areas of practice that may impede the ability of rightsholders to access remedy. A report by Building and Wood Workers' International (BWI), a trade union federation<sup>79</sup>, argued that the grievance mechanisms set up by the 2020 Olympics<sup>80</sup> have been ineffective. BWI stated that the grievance mechanisms were not properly communicated, leaving the majority of construction workers uninformed. In addition, out of the three grievance mechanisms provided by the 2020 Olympics, two are only communicated in the Japanese language, which prevents foreign workers in Japan and in the Olympics' overseas supply chains from accessing these mechanisms and represent a barrier for rightsholders' to an accessible and equitable grievance mechanism.

A further risk highlighted by civil society was the limited scope of grievance mechanisms provided by the 2020 Olympics. It only accepts complaints in relation to non-compliance with their Sustainable Sourcing Code, associated products and services procured by Tokyo 2020 and licensed products.<sup>81</sup> Of the cases that were filed, most of them were treated as non-receivable because the cases are not involved in the procurement of Tokyo 2020<sup>82</sup>.

### c) **Procurement**

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*There are no international treaties, nor Japanese laws, or regulations governing comprehensive overseas sustainable procurement. FIFA bidding member organizations are required to provide a strategy for a sustainable event-management system in line with applicable international standards (ISO 20121, AA1000SES, GRI) that includes: provisions for sustainable procurement and supply-chain management; safeguards against corruption; and mechanisms for conducting stakeholder engagement.*

*ISO states that: "The organization shall determine the interested parties that are relevant to the event sustainability management system and the requirements of these parties" (ISO 4.2) and that "The organization shall establish the relevance of each of the objectives, targets and plan(s) to individual suppliers, and shall include sufficient and relevant information in tender or other documentation to enable its suppliers to demonstrate their capabilities to support the objectives" (ISO 8.3). AA1000SES sets forth stakeholder engagement expectations that encompass regular and timely communication, honesty and completeness of information, empathy and equity of treatment, transparency of the benefits and risks, unbiased facilitation, and inclusivity. The GRI Procurement Practices Standard focuses on how an organization can support local suppliers by building a complete picture of their impacts throughout the supply chain.*

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Major sporting events have the potential to generate significant global/overseas impacts, both positive and negative, through procurement decisions and the actions of supply chain partners. It is imperative that the organizing bodies of such events be aware of potential impacts and ensure that suppliers fully understand and comply with the events' human rights objectives. Requirements for suppliers should be included in the tendering process and integrated into the supplier scoring system, as well as in contracts, in order to ensure that commitments by selected

suppliers regarding such factors as wages, working conditions, and living conditions are legally binding.

### **Japan's legal framework and alignment with international standards:**

Although there are sustainable procurement for environmental aspects, such as green procurement<sup>83</sup>, which is legally required for procurement, there is no Japanese legal framework for companies to require sustainable procurement relating to human rights. In response to global environmental change, the Keidanren, Japan's largest industry association, has revised its voluntary guidelines for corporate members; the Charter of Corporate Behavior<sup>84</sup> now encourages companies to show "respect for human rights" and to "encourage companies in the supply chain to act in accordance with the spirit of the Charter."

Extensive discussions about procurement and supply chain management have also been conducted in Japan as part of the National Action Plan on Business and Human Rights baseline study-consultation process. Given the rapidly changing business environment in supply chains, Japanese companies are increasingly expected to deal with a wide range of issues. Heightened transparency is needed regarding how companies are dealing with human rights risks by utilizing the leverage they possess.

For example, the 2020 Tokyo Olympics and Paralympics Games became to first Games to make commitment to be in accordance with the UNGP. TOCOG published a set of Fundamental Principles for the Sustainable Sourcing Code, stipulating that all suppliers and licensees providing products or services must be in full compliance with the Sustainable Sourcing Code<sup>85</sup>. issued The Code also specifies guidelines for the sourcing of timber, agricultural products, livestock products, fishery products, paper, and palm oil.

### **Risk in Practice:**

As indicated by the multistakeholder consultations held for the National Action Plan, Japanese companies appear to be of varied ability with regard to managing human rights risks in global supply chains. There seems to be a clear need for companies to increase their awareness of this issue, as well as transparency around it.

For example, the Sustainable Sourcing Code issued by TOCOG includes guidelines for the use of environmentally friendly materials, including timber produced in Japan. However, TOCOG has been criticized by environmental groups for allegedly using tropical plywood sourced from "threatened rain forests" in Indonesia and Malaysia<sup>86</sup>. Despite a subsequent revision to the Tokyo 2020 Olympics' Sustainable Sourcing Code for Timber, seven NGOs have continued to express disappointment not addressing enough to end the use of timber associated with rainforest destruction and human rights abuses in the timber supply chain<sup>87</sup>.

It is also important to evaluate the risks and negative impacts identified during such major sporting events as the 2012 London Olympics as part of its efforts to develop a sustainable procurement strategy. One area that the London Olympics committee found particularly difficult to monitor was the sourcing of merchandise. Branded goods such as merchandise and sports equipment are often manufactured in high-risk nations with relatively weak labor laws and enforcement, which can manifest in a variety of significant impacts (e.g., human rights violations related to wages, working hours, living conditions, forced labor, and child labor, among others). These impacts and risks may be exacerbated in multi-tiered supply chains, where transparency and traceability pose big challenges.

As part of the London Olympics organizers' efforts to manage this issue, they implemented a complaint and dispute-resolution process to help ensure that proper investigation mechanisms and procedures were enabled in a timely manner when a complaint was received regarding supply chain<sup>88</sup>.

## 6) Vulnerable Groups

### a) Foreign Workers

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*International human rights instruments recognize the importance of protecting foreign workers' rights, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which advocates equality of treatment and working conditions for foreign workers and their families. There are also the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; the Convention of the Rights of Persons with Disabilities; ILO Convention 97, covering Migration for Employment; and ILO Convention 143, concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers; and ILO Convention 181, regulating any fees and costs charged by private employment agencies.*

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In the life cycle of a mega sports event, foreign workers may labor at construction sites, cleaning agencies, shops, and sports facilities, and in the supply chains for farms, manufacturers, and providers of services.

The number of foreign workers in Japan reached 1.46 million in October 2018<sup>89</sup>, having doubled in the previous five years, from 717,000 in 2013. In December 2018, the government passed a new visa law that would allow an additional 345,000 foreign workers to enter Japan to fill positions in construction, shipbuilding, nursing care, and 10 other sectors with known labor shortages over the next five years.

#### **Japan's legal framework and alignment with international standards:**

Japan is party to a number of international human rights treaties and agreements that provide protections to common human rights challenges faced by many foreign workers, such as forced labor, discrimination, and excessive recruitment fees, etc. Japan has ratified the International Convention on the Elimination of All Forms of Racial Discrimination, the ILO Convention 181 (Private Employment Agencies Convention), and the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, among others.

However, Japan has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which advocates equality of treatment and working conditions for foreign workers and their families. It also has yet to ratify a few crucial ILO Convention concerning migrants, such as ILO Convention 97 and Convention 143 that tackle migrant employment and equal treatment respectively.<sup>90</sup>

Foreign workers are covered by such basic Japanese laws as the Labor Standards Act, the Industrial Safety and Health Act, and the Law on Appropriate Implementation of Technical Training of Foreigners and Protection of Technical Trainees<sup>91</sup>.

Japanese policy regarding foreign workers provides that "the acceptance of foreign workers in professional and technical fields should be more actively promoted. On the other hand, with respect to the matter of accepting workers for so-called unskilled labour, there is a concern that the Japanese economy and society as well as people's livelihood may be adversely affected by such an acceptance of unskilled labour."<sup>92</sup>The Government concludes that, "based on the aforementioned policy, in principle, no foreigner is permitted to enter the country to engage in unskilled labour." Nonetheless, there has been a need for unskilled labor in recent years. It has

not been fully met by the immigration of persons of Japanese descent and the employment of foreign trainees and technical interns.

**Risk in Practices:**

Foreign workers in Japan are more exposed than Japanese workers to forced labor, excessive working hours, OHS risks, debt labor, and unpaid wages, including failure to collect the overtime-pay premium.

The TITP comprises 21 percent of the foreigners working in Japan. Several stakeholders interviewed pointed to the TITP as a growing concern regarding foreign workers' human rights, especially when it comes to working conditions.

In 2018, inspections of 70.4 percent at 7,334 business facilities that were employing TITP trainees found illegal labor practices across sectors that included construction and services around working hours, OHS, the overtime pay premium, and employment rules<sup>93</sup>.

As above mentioned, Japan meets only the minimum standards for prevention of recruitment fees charged domestically. The TITP reform in 2017 is intended to address the issue of foreign-based recruitment agencies charging excessive fees, which is a key driver of debt bondage among TITP participants<sup>94</sup>.

Revisions to the Immigration Control and Refugee Recognition Act that allow an additional 345,150 foreign workers in 14 sectors, including construction and cleaning, for the next five years<sup>95</sup> have raised concerns about likely labor practices through the life cycle of the sports event, including preparation and hosting phases, and the overall supply chain. In order to prevent labor violations of technical interns, TITP reform in 2017 has clarified the role of each party, including the government, the supervising organization, and employers, and has also set requirements to strengthen the monitoring mechanisms. However, it will be necessary to carefully monitor if foreign workers involved in the tournament are fully protected.

No legislation in Japan manifestly prohibits and punishes racial discrimination. Various UN bodies, particularly the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, have urged Japan to adopt such legislation. As noted by these experts, the absence of a targeted domestic law often precludes victims of racial discrimination from seeking judicial remedies, particularly against the state.

**b) Journalists and human rights defenders<sup>96</sup>**

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*The so-called UN Declaration on human rights defenders recognizes the right of everyone “to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” (UN Declaration on human rights defenders, Article 1). The declaration provides for the support and protection of human rights defenders in the context of their work. It does not create new rights but articulates existing rights in a way that makes it easier to apply them to the practical situation of human rights defenders.*

*Similarly, UNESCO and the Office of the UN High Commissioner for Human Rights (OHCHR) have been initiating a UN Plan of Action on the Safety of Journalists and the Issue of Impunity in order to help create a free and safe environment for journalists and media workers, both in conflict and non-conflict situations. It includes a plan for cooperation with states to develop legislation and other mechanisms to safeguard freedom of expression and information, as well as the security of journalists.*

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Mega sports event often draw global media attention. Apart from broadcasting the event itself, the media can cover other political, social, and economic aspects associated with the tournament, or put forth even broader portraits of the host society. While many of these reports and broadcasts can be complimentary, others may be critical of the hosts or state, which may give rise to potential disruption of the journalists’ freedom of expression by the government.

Meanwhile, human rights defenders—which can be independent journalists, local and international civil society organizations, trade unions, local communities, lawyers, and others—may initiate research and publish observations and criticism regarding impacts brought by or associated with the event. There have been concerns over harassment of human rights defenders or criminalization of their activities around mega sports events, including threats, raids, and arbitrary arrests<sup>97</sup>. FIFA has recognized this concern and has committed to protect human rights defenders, as well as launch a complaints mechanism for human rights defenders and journalists subject to human rights risks<sup>98</sup>.

**Japan’s legal framework and alignment with international standards:**

Freedom of expression and freedom of the press are guaranteed in Article 21 of Japan’s Constitution. The report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression about his mission to Japan acknowledges Japan’s well-established media and its diversity of voices<sup>99</sup>.

There is concern, however, over broadcast media independence because Japan’s Broadcast Act gives the government the power to determine what information is “fair” and thus acceptable for public broadcast<sup>100</sup>.

No legislation in Japan specifies protection for human rights defenders. Critics have conveyed concerns that the Act on Punishment of Organized Crime and Control of Crime Proceeds and Other Matters<sup>101</sup>, which came into force in July 2017, may be used to intimidate and harass human rights defenders and ultimately, criminalize legitimate activities<sup>102</sup>.

**Risk in practice**

A number of journalists who met with the UN Special Rapporteur during the above-mentioned visit described government interference, abetted by company management, to conform their reporting to official policy preferences<sup>103</sup>. Print media, which are not covered by the Broadcast

Act, have received less pressure in comparison to the broadcast media. But there remains general political pressure when it comes to reporting on such high-sensitivity issues as the 2011 nuclear disaster and the wartime history of “comfort women.”

The UN Special Rapporteur also expressed concern about the situation human rights defenders face, stating that freedom of expression by defenders working as journalists has been threatened by calls for broadcasters and others in the media to remain “politically sensitive” regarding the government<sup>104</sup>.

The media and multiple civil society groups have issued reports closely following human rights impacts associated with preparation for the upcoming 2020 Olympics. No complaints or reports have revealed harassment or safety concerns targeting journalists and human rights defenders regarding mega sports events. This suggests a lower risk for journalist and human rights defenders reporting on information associated with the 2023 FIFA Women’s World Cup, but it does not eliminate the risk entirely.

### c) **Disabled persons**

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*The UN Convention on the Rights of Persons with Disabilities (CRPD) adopts a broad categorization regarding persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.*

*The state has a duty to make sure that disabled persons are treated equally, with rights included in all national laws and regulations. Aside from prohibiting discrimination against disabled persons, the state shall take all appropriate steps to ensure that reasonable accommodation is provided to promote equality and eliminate discrimination.*

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The right to participate in cultural life, recreation, leisure, and sport is enshrined in Article 30 of the CRPD Convention. It provides that persons with disabilities should participate on an equal basis with others in recreational, leisure, and sporting activities, including participation and access to sporting venues, and should enjoy services from hosts of sporting activities.

At a mega sports event, challenges regarding accessibility can arise when considering mobility among huge crowds at a tournament stadium and access to public transportation. On arriving at a stadium, accessibility for persons with disabilities to such public services and facilities as food-catering stands, gift shops, fan areas, and toilets should be ensured. Additional measures should be taken into consideration for groups of disabled elders, children, and women.

Human rights risks may also arise when attitudes and prejudices lead to discriminatory remarks and behavior. Even though many such affronts can be unintentional and are beyond a host organization’s control, measures should be imposed to help deter such incidents.

#### **Japan’s Legal Framework and alignment with international standards:**

Japan signed the United Nations CRPD in 2007, but did not ratify the convention until 2014, shortly after it enacted two pieces of regulation protecting basic rights for disabled persons and eliminating discrimination against them<sup>105</sup>.

The two laws largely accord with CRPD, including the key concept that administrative organs and public entities have a duty to ensure “reasonable accommodation”<sup>106</sup> of CRPD. Private entities bear the same duty under the law<sup>107</sup>.

A new ordinance in Tokyo, spurred by the upcoming Tokyo 2020 Paralympics, has required hotels with 50 or more rooms to have at least one wheelchair-accessible option available. Effective September 2019, this ordinance applies to new hotels and is not retroactive.

### **Risk in Practice**

The Tokyo 2020 Paralympic Games caused Japan’s Government to press infrastructure changes, such as making air and train terminals, hotels, and sports facilities more accessible. These games are expected to leave a positive legacy by changing the mindset and views of many Japanese people’s views regarding disabled persons<sup>108</sup>.

While the Paralympics athletes will be housed in the wheelchair-friendly village, there is a shortage of 300 accessible hotel rooms for support staff, media, and other stakeholders<sup>109</sup>. By the time the 2023 FIFA Women’s World Cup takes place, the new Tokyo ordinance requiring wheelchair-accessible hotel rooms may solve the shortage. However, accessibility in other Japanese cities that would be hosting the tournament may remain a challenge.

Another area with potential accessibility concerns will be ticket purchasing and other tournament-relevant instructions and guidelines. The Tokyo 2020 has committed to provide all public documents in Braille, text data, expanded characters or audio format, but complaints have been raised that there is a lack of materials explaining how to purchase tickets in either Braille or on a CD which provides the necessary information by voice.<sup>110</sup>

## IV. RECOMMENDATIONS AND LEGACY

### 1. Recommendations

To ensure that hosting the FIFA Women’s World Cup 2023 in Japan does not negatively impact human rights, the hosting organization will need to take a human rights approach from the start of the preparation phase and maintain it through the hosting phase. In line with this, we recommend that the bidding organization complete a comprehensive human rights impact assessment in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs), complementing insights from this report.

It is important that the proposed human rights impact assessment include substantive engagement with many stakeholders, in addition to those consulted for this report, and particularly important that all relevant rightsholder groups be engaged to ensure inclusion of their perspectives. Results and recommendations from the assessment should subsequently be used by the bidding organization as the foundation for developing a human rights policy and strategy for the 2023 tournament.

We have also developed the following recommendations for each rightsholder group, based on the human rights risk analysis in section III, as well as our understanding of best practices to prevent, respect, and mitigate human rights risks in general. These recommendations focus on what the bidding organization can do in practical terms to mitigate the identified human rights risks associated with hosting the tournament. These recommendations can also help JFA to further promote human rights and leave a positive legacy in Japan after the tournament’s conclusion.

#### a) Workers

| Issues       | Issue-Specific Recommendations  | Cross-Cutting Recommendations on Workers’ Issues   |
|--------------|---|--|
| <b>Wages</b> | <ul style="list-style-type: none"> <li>Establish a policy for clear communication to workers on how their wages and benefits are calculated, including regular salary, overtime pay, and other benefits.</li> <li>Engage with host cities to promote and support an assessment of adequate living wage.</li> <li>Formulate a definition of living wage for larger hosting cities in Japan (e.g., Tokyo) that JFA and its partners will be expected to pay workers.</li> </ul> | <ul style="list-style-type: none"> <li>Ensure that all wages and working conditions are in accordance with statutory standards on minimum wage, overtime pay premium, and working hours by incorporating these requirements in general contracts, and require regular inspections by, and reporting to, the hosting organization.</li> </ul> |

|                               |  |  |
|-------------------------------|--|--|
| <b>Working hours</b>          | <ul style="list-style-type: none"> <li>• Document workers' regular working hours and overtime on a daily basis, and seek review from workers to ensure accuracy.</li> <li>• Establish a clear policy for partners and suppliers on obtaining workers' voluntary consent for all overtime work.</li> <li>• Establish a clear policy to ensure that workers have regular breaks or are allowed to rest when they choose, during working hours.</li> </ul>      | <ul style="list-style-type: none"> <li>• Develop host-level policy and protocols to regulate working hours, occupational health and safety, and workplace harassment as they affect volunteers. This is important because this rightsholder group is not entitled to the same protections as workers, under statutory laws.</li> </ul>   |
| <b>OHS</b>                    | <ul style="list-style-type: none"> <li>• Request that all partners and suppliers ensure that health and safety management systems, including policies and guidelines, are in place and are communicated to all workers in a language they can easily understand.</li> <li>• Require that all partners and suppliers provide appropriate personal protection equipment (PPE) to workers, as appropriate for their respective working environments.</li> </ul> | <ul style="list-style-type: none"> <li>• Provide all labor policies to workers in language(s) they can easily understand.</li> <li>• Ensure that an effective and functional grievance mechanism is put in place to cover all workers, including direct employees, short-term and temporary workers, subcontracted workers, and foreign workers.</li> </ul>  |
| <b>Freedom of association</b> | <ul style="list-style-type: none"> <li>• Establish a policy to ensure that all workers associated with the tournament, including those of local partners and those in supply chains, are free to join any type of labor organization, such as trade unions, public sector trade unions, or other external organizations representing employees.</li> </ul>   | <ul style="list-style-type: none"> <li>• Promote and conduct labor due diligence and assessments at sites of infrastructure construction or renovation; and broadly across all sites and in supply chain.</li> </ul>   |
| <b>Forced labor</b>           | <ul style="list-style-type: none"> <li>• Establish a policy and guidelines for the prohibition of forced labor, including prohibitions on the retention of workers' personal identification and travel documents and on the charging of excessive recruitment fees for workers in general contracts with domestic and oversea partners and suppliers.</li> </ul>   | <ul style="list-style-type: none"> <li>• Partnering with international organization and civil society organizations to advance decent work through promoting responsible labor practices among sponsors and suppliers. (e.g. Tokyo 2020 signed an agreement with ILO to promote socially responsible labour practices in the preparations for, and operation of the international sporting event)</li> </ul> |

|                          |   |  |
|--------------------------|---|--|
| <b>Nondiscrimination</b> | <ul style="list-style-type: none"> <li>Establish a policy prohibiting discrimination of any kind based on gender, race, age, color, nationality, and other characteristics through the entire life cycle of employment, including recruitment, onboarding, and deployment.</li> </ul> |  |
|--------------------------|---|--|

**b) Communities and citizens**

| <b>Issues</b>           | <b>Issue-Specific Recommendations</b>   |
|-------------------------|---|
| <b>Right to housing</b> | <ul style="list-style-type: none"> <li>Engage with host cities on their policies and activities aimed at ensuring the right to housing, including how issues such as homelessness and rent pressures will be managed prior to, and during, the tournament.</li> <li>Ask host cities to share their consultation results and details about previous disputes, where applicable, around infrastructure that the tournament will be utilizing in order to ensure that legacy human rights risks are dealt with and mitigated in a timely fashion.</li> </ul> |

**c) Players, trainers, officials, media, and fans**

| <b>Issues</b>                             | <b>Issue-Specific Recommendations</b>  |
|---|--|
| <b>Freedom of expression and assembly</b> | <ul style="list-style-type: none"> <li>Develop a clear policy and protocols to define the scope of freedom of speech in stadiums, including considerations on regulating discriminatory remarks, behavior, and hate speech.</li> <li>Develop the capacity of relevant staff to mitigate risks regarding discrimination through appropriate implementation of the policy and protocols.</li> <li>Engage with the government and law enforcement to ensure that the right to protest and assemble around tournament venues is respected, to the extent that activities do not involve violence or other actions breaching public order or infringing upon the rights of others.</li> </ul> |

|  |   |
|--|---|
| <p><b>Safety and security:<br/>Right to life, freedom of movement and travel</b></p> | <ul style="list-style-type: none"> <li>• Incorporate a human rights perspective into security risk assessments to ensure adequate and proportionate use of security measures during the tournament. This should encompass views from all rightsholder groups, including women, sexual minorities, and a variety of age and racial groups.</li> <li>• Consider a human rights perspective while developing a security policy and protocols on crowd control, the use of force, and other potential human rights risk areas. Request that security providers conduct human rights training in keeping with the policy and protocols.</li> <li>• Where applicable, ensure that law enforcement also understands and complies with the hosting organization's security policy and protocols.</li> </ul> |
| <p><b>Right to privacy and data security</b></p>                                     | <ul style="list-style-type: none"> <li>• Incorporate high-standard requirements for privacy and data protection in contracts with commercial entities (e.g., ticketing and marketing partners).</li> <li>• Ensure that biometric data collected for control of physical entrances will not be leaked, hacked, or handed over to third parties without prior consent.</li> </ul>   |

**a) Other Issues**

| <p><b>Issues</b></p>            | <p><b>Issue-Specific Recommendations</b></p>  |
|---------------------------------|---|
| <p><b>Human trafficking</b></p> | <ul style="list-style-type: none"> <li>• Integrate a clear statement regarding the prevention of human trafficking in codes of conduct for sourcing and contracting.</li> <li>• Engage law enforcement agencies throughout Japan to help ensure that relevant personnel are trained to screen for, identify, and refer potential trafficking victims to appropriate protection services, such as shelters run by Women's Consulting Offices (WCOs).</li> <li>• Work with local government, law enforcement, and civil society organizations to ensure that trafficked persons receive proper care and remediation.</li> </ul> |

|                                   |   |
|-----------------------------------|---|
| <p><b>Grievance mechanism</b></p> | <ul style="list-style-type: none"> <li>• Establish a single grievance mechanism that collect grievances from all rightsholder groups, including workers, trade unions, suppliers, partners, fans, athletes, and others. To avoid confusion and consequent burdens that might diminish accessibility to rightsholders, it is best not to set up multiple mechanisms.</li> <li>• Ensure that the grievance mechanism is available in languages in addition to Japanese, allowing the submission of complaints in various languages that many foreign workers speak as a mother tongue, such as Vietnamese, Filipino, Nepalese, Mandarin, Indonesian, among others.</li> <li>• Ensure that suppliers, partners, and external parties (such as NGOs) are being consulted on the grievance mechanism development and included in the wide rollout of grievance systems.</li> <li>• Establish a general procedure and timeline to process complaints, give responses, and provide remedies, taking into consideration different potential rightsholders (e.g., workers versus short-term visitors), and communicate these clearly to all claimants.</li> <li>• Ensure that the complaint-evaluation standards and responses are in accordance with international human rights standards.</li> <li>• Engage with state-based mechanisms, the Tokyo 2020 Olympics Committee (TOCOG), and other stakeholders to learn from the strengths and challenges of their respective grievance mechanisms.</li> </ul> |
| <p><b>Procurement</b></p>         | <ul style="list-style-type: none"> <li>• Establish a sustainable sourcing code that stipulating all suppliers and partners providing products or services must be in full compliance with.</li> <li>• Incorporate standards, such as UNGPs, ILO Core Labor Standards, ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (ILO MNE Declaration), and OECD Guidelines for Multinational Enterprises, around human rights risks and issues into the hosting organization’s sustainable sourcing code.</li> <li>• Include a clause requiring suppliers and partners to comply with the sustainable procurement code in contract agreements.</li> <li>• Monitor and track suppliers’ and partners’ performances and their compliance with the sustainable sourcing code.</li> <li>• Engage stakeholders to obtain input and feedback in developing the code, as well as during the monitoring of suppliers’ and partners’ performance, to ensure its effective implementation.</li> </ul>   |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Roll out training on the sustainable sourcing code, and share best-practice examples.</li> <li>• Set up internal teams to engage suppliers and partners and understand their challenges so as to increase partnerships and leverage.</li> </ul> |
|--|--|

**b) Vulnerable Groups**

| <b>Issues</b>                                 | <b>Issue-Specific Recommendations</b>  |
|---|--|
| <b>Foreign workers</b>                        | <ul style="list-style-type: none"> <li>• Put systems in place to prevent and mitigate potential discriminatory treatment and poor working conditions for foreign workers.</li> <li>• Establish internal teams to engage foreign workers during the preparation and hosting phases in a language(s) that foreign workers can easily understand.</li> </ul>  |
| <b>Journalists and human rights defenders</b> | <ul style="list-style-type: none"> <li>• Develop policies and commitments that allow and support freedom of the press.</li> </ul>  |
| <b>Disabled persons</b>                       | <ul style="list-style-type: none"> <li>• Develop and ensure robust implementation of policies and protocols on access by disabled persons to tournament venues and facilities.</li> <li>• Facilitate protocols prohibiting discrimination against disabled persons and fostering diversity and inclusion.</li> <li>• Conduct training for tournament staff and volunteers on nondiscrimination, including how to serve the needs of disabled persons.</li> <li>• Develop disability-friendly commercial options and service provisions with hosting partners (e.g., “barrier-free” ticketing booths).</li> </ul> |

## 2. Legacy

FIFA's mission statement and vision are 'to promote the game of football, protect its integrity and bring the game to all.' Specifically, FIFA intends FIFA Women's World Cup to "make a lasting positive impact, with a focus on women's football in the host country/countries." In addition to promoting women's football, FIFA has further broadened its aim to hold "the most sustainable FIFA Women's World Cup in history and ensure a positive legacy"<sup>111</sup>.

From the human rights point of view, in addition to respecting human rights and "doing no harm" by proactively implementing standards provided by the international human rights framework, this would allow opportunities for the hosting organizations to promote human rights and contribute to the agenda of the United Nations Sustainability Development Goals (SDGs).

Because hosting a mega sports event often requires significant economic and social investment, it often provokes many forward-looking discussions around what benefits a mega sports event can bring to the host society.

Of the stakeholders engaged for this report, each shared their views and aspirations on what positive legacy the FIFA Women's World Cup 2023 could potentially leave in Japan. Together with the review on Japan's human rights context, a few key areas are presented below to reflect where opportunities to further advance and promote human rights may lie:

### Legacy 1: Increase diversity inclusion, particularly of foreign workers, in Japan

Japan has opened its door to welcome an increasing number of foreign workers since the beginning of 2019, yet labor conditions among foreign workers still stir concern.

The hosting of mega sports events can prompt discussions and put a spotlight on foreign workers involved in the event's preparation and hosting phases. Positive aspects, such as how foreign workers and locals have worked together to contribute and enable the successful hosting of such an event in Japan may be found; such areas of improvement as poor foreign workers' working conditions may also be observed. While celebrating some good examples of inclusion, reports and discussions about this issue can also help press Japan's government, business sector and society at large to address issues around foreign workers, for example, by enhancing protections and regulations. This can also improve awareness on the positive aspects that foreign workers may bring to the economy and society as a whole.

At the same time, sports games and tournaments can also serve as high-profile platforms to demonstrate and promote good sportsmanship— namely the spirit of fairness, respect, persistence, and inclusivity for all. Sports often serve as a bridge to bring people together, regardless of differences in age, background, and language.

The convergence of a large crowd of international fans and visitors in Japan for the tournament would represent an opportunity to help curb negative stereotypes about foreign nationals and foster a more inclusive society in Japan.

*'Japan is currently in a transition period to accept foreign workers. Hopefully, by hosting this tournament, it can bring positive light to diversity in terms of gender and race, as well as improve foreign labor policy'*

—Stakeholder interview

### Legacy 2: Truly sustainable procurement and practices among Japanese enterprises

The scandal over sourcing timber associated with rainforest destruction and human rights abuses has raised questions about the effectiveness of the 2020 Tokyo Olympics Sustainable Sourcing Code and the grievance mechanism provided by TOCOG. Similar concerns over supply chain sustainability and human rights practices will likely persist during the preparation and hosting of the 2023 FIFA Women's World Cup.

This is an opportunity for JFA to engage with, and encourage, sourcing companies to strengthen their existing practices to meet international standards and expectations for sustainability and human rights, not only in relation to the FIFA Women's World Cup 2023, but also in the companies' everyday business practices. It can also become a turning point for the central and regional Japanese governments to follow international trends and enact laws and regulations that require due diligence to allow a transparent and sustainable supply chain.

### Legacy 3: Eliminate gender discrimination and promote gender equality

Despite slight improvement in Japan's ranking in the World Economic Forum's 2018 Gender Gap Index<sup>112</sup>, the country still faces a long journey to achieve gender equality.

It should be noted that, according to data published in 2018 by the International Federation of Professional Footballers, 49 percent of professional female soccer players do not receive a salary—even as the overall industry has generated more than \$500 billion annually. About 87 percent of female football players will end their career before the age of 25, due either to low pay or lack of pay. FIFA's Women's World Cup in France earlier this year once again brought the female-athlete pay gap (including the gap in World Cup bonuses for male and female players) under the spotlight, which subsequently prompted FIFA to increase the prize amount for the Women's World Cup.

It would be heartening if the same phenomenon and changes were catalyzed by the 2023 tournament to enhance gender equality and participation in Japan. A tournament focusing on women competing at world-class levels in a traditionally male-dominated sport could be a turning point to help change people's mindsets and perceptions about gender in Japan. It could inspire young girls and women alike to see accomplishments realized through the leadership of female athletes, coaches, referees, and their supporters.

*'Through hosting the FIFA Women's World Cup 2023, I would like to see more girls play soccer, demonstrating that sport is natural and break this stereotype in Japan that it's not men's game. It can also encourage all women in Japan.'*

*– Stakeholder interview*

The tournament has the potential to trigger additional social movement and support for women's empowerment and gender equality and to help increase the number of private enterprises supporting women and girls' empowerment in sports—and across the economic, social, and political arena. Ultimately, it could help create a gender-equal society in Japan.

## Annex: Endnotes

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<sup>3</sup> United Nations, "About the Sustainable Development Goals". Available at: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>

<sup>4</sup> It is important to note that some rights enjoyed by workers do not apply to volunteers, such as receiving wages and forming a workers' union. However, there should be a careful consideration of how management and assessment for health and safety as well as non-discrimination and freedom from forced labor applies to volunteers.

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<sup>71</sup> U.S. State Department, “2019 Trafficking in Humans Report,” June 2019. Available at: <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

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<sup>73</sup> Mega Sporting Events Platform for Human Rights, “Procurement and Human Rights in the Sports Context” (Sporting Chance White Paper 2.2, Version 1, January 2017). Available at: [https://www.ihrb.org/uploads/reports/MSE\\_Platform%2C\\_Procurement\\_and\\_Human\\_Rights\\_in\\_the\\_Sports\\_Context%2C\\_Jan\\_2017.pdf](https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Procurement_and_Human_Rights_in_the_Sports_Context%2C_Jan_2017.pdf)

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<sup>74</sup> Principle 29, United Nations, “Guiding Principles on Business and Human Rights”, 2011. Available at: [https://www.ohchr.org/Documents/Publications/guidingprinciplesbusinessshr\\_EN.pdf](https://www.ohchr.org/Documents/Publications/guidingprinciplesbusinessshr_EN.pdf)

<sup>75</sup> For instance, the 2017 Japan Universal Periodic Review, the CERD review in 2018 (CERD/C/JPN/CO/10-11), the CCPR review in 2014 (CCPR/C/JPN/CO/6), and more.

<sup>76</sup> Japan Ministry of Foreign Affairs of Japan (MOFA), “Japan’s National Action Plan on Business and Human Rights,” 2019. <https://www.mofa.go.jp/files/000417741.pdf> (This is an official summary document provided by MOFA. The entire report in Japanese is available here: <https://www.mofa.go.jp/mofaj/files/000433657.pdf>)

<sup>77</sup> The Tokyo Organising Committee of the Olympic and Paralympic Games (Tokyo 2020), “Grievance Mechanism for Sustainable Sourcing Code.” Available at: [https://tokyo2020.org/en/games/sustainability/data/grievance-mechanism\\_EN.pdf](https://tokyo2020.org/en/games/sustainability/data/grievance-mechanism_EN.pdf)

<sup>78</sup> The Guiding Principles have suggested a set of eight effectiveness criteria applicable to a company operational-level grievance mechanism in Principle 31. The criteria ensure that a grievance mechanism is effective if it is legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue. For the last three criteria, we do not have sufficient publicly available information to evaluate whether the Olympics grievance mechanism fulfill those criteria or not.

See Principle 31, United Nations, “Guiding Principles on Business and Human Rights”, 2011. Available at: [https://www.ohchr.org/Documents/Publications/guidingprinciplesbusinessshr\\_EN.pdf](https://www.ohchr.org/Documents/Publications/guidingprinciplesbusinessshr_EN.pdf)

<sup>79</sup> Building and Wood Workers’ International (BWI), “The Dark Side of the Tokyo 2020 Summer Olympics,” May 2019. Available at: <https://www.bwint.org/web/content/cms.media/1542/datas/dark%20side%20report%20lo-res.pdf>

<sup>80</sup> The Tokyo Organising Committee of the Olympic and Paralympic Games (Tokyo 2020), “Grievance Mechanism for Sustainable Sourcing Code.” Available at: [https://tokyo2020.org/en/games/sustainability/data/grievance-mechanism\\_EN.pdf](https://tokyo2020.org/en/games/sustainability/data/grievance-mechanism_EN.pdf)

<sup>81</sup> The Tokyo Organising Committee of the Olympic and Paralympic Games (Tokyo 2020), “FAQ on the Grievance Mechanism for the Sustainable Sourcing Code.” Available at: <https://tokyo2020.org/en/games/sustainability/sus-code/faq/>

<sup>82</sup> The Tokyo Organising Committee of the Olympic and Paralympic Games (Tokyo 2020), “Status of the reports received in the Grievance Mechanism for the Sustainable Sourcing Code.” Available at: <https://tokyo2020.org/en/games/sustainability/sus-code/status-of-the-reports/>

<sup>83</sup> Act on Promoting Green Procurement. Available at: <http://www.env.go.jp/en/laws/policy/green/index.html>

<sup>84</sup> Keidanren Charter of Corporate Behavior. Available at: <https://www.keidanren.or.jp/en/policy/csr/charter.html>

<sup>85</sup> The Mega-Sporting Events Platform for Human Rights, “Procurement and Human Rights in the Sports Context,” January 2017. Available at: [https://www.ihrb.org/uploads/reports/MSE\\_Platform%2C\\_Procurement\\_and\\_Human\\_Rights\\_in\\_the\\_Sports\\_Context%2C\\_Jan\\_2017.pdf](https://www.ihrb.org/uploads/reports/MSE_Platform%2C_Procurement_and_Human_Rights_in_the_Sports_Context%2C_Jan_2017.pdf)

<sup>86</sup> The Guardian, “Tokyo Olympics venues ‘built with wood from threatened rainforests,’” November 2018. Available at: <https://www.theguardian.com/environment/2018/nov/29/tokyo-olympics-venues-built-with-wood-from-threatened-rainforests>

<sup>87</sup> Rainforest Action Network, “NGO Statement of Concern on Tokyo 2020 Olympics’ revised Timber Sourcing Code.” Available at: <https://www.ran.org/press-releases/ngo-statement-of-concern-on-tokyo-2020-olympics-revised-timber-sourcing-code/>

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- <sup>89</sup> 厚生労働省, “「外国人雇用状況」の届出状況まとめ(平成 30 年 10 月末現在)”, Available at: [https://www.mhlw.go.jp/stf/newpage\\_03337.html](https://www.mhlw.go.jp/stf/newpage_03337.html)
- <sup>90</sup> “Report of the Special Rapporteur on the human rights of migrants,” Mission to Japan, Jorge Bustamante, 2011
- <sup>91</sup> Act on Proper Technical Intern Training and Protection of Technical Intern Trainees. Available at: [https://elaws.egov.go.jp/search/elawsSearch/elaws\\_search/lsg0500/detail/428AC0000000089\\_20171101\\_00000000000000/0?revIndex=1&lawId=428AC0000000089](https://elaws.egov.go.jp/search/elawsSearch/elaws_search/lsg0500/detail/428AC0000000089_20171101_00000000000000/0?revIndex=1&lawId=428AC0000000089)
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<sup>104</sup> United Nations Special Rapporteur on the Situation of Human Rights Defenders, "World Report on the situation of human rights defenders," December 2018, pps. 246-8. Available at: <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf>

<sup>105</sup> 障害者基本法(Basic Act for Persons with Disabilities), 昭和四十五年法律第八十四号(2011) ; 障害を理由とする差別の解消の推進に関する法律(Act on the Elimination of Discrimination against Persons with Disabilities), 平成二十五年法律第六十五号(2013).

<sup>106</sup> According to CRPD Article 2, a denial of reasonable accommodation is considered as discrimination. "Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

<sup>107</sup> 障害を理由とする差別の解消の推進に関する法律 (Act for Eliminating Discrimination against Persons with Disabilities, Article 5) 平成二十五年法律第六十五号 (2013)

<sup>108</sup> Tokyo 2020 Paralympics, "Tokyo 2020: Sport that will change the world," August 2019. Available at: <https://www.paralympic.org/news/tokyo-2020-sport-will-change-world> ; The Japan Times, "Japan's Paralympic organizers expect huge boost in support and awareness from 2020 Games," August 2019. Available at: <https://www.japantimes.co.jp/news/2019/08/22/national/japan-paralympics-massive-boost/#.XawXRegzZPZ>

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