



Permanent Mission
of the Federal Republic of Germany
to the Office of the United Nations and
to the other International Organizations
Geneva

Ref.: Pol-504.54 JAL 02/26

(please quote when answering)

Note No.: 108 /2026

Note Verbale

The Permanent Mission of the Federal Republic of Germany to the Office of the United Nations and to the other International Organizations in Geneva presents its compliments to the Office of the High Commissioner of Human Rights and has the honour to refer to a communication sent by the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Working Group on the rights of peasants and other people working in rural areas; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation on 9 April 2026.

The Permanent Mission of the Federal Republic of Germany is pleased to transmit herewith the German response.

The Permanent Mission of Germany to the Office of the United Nations and to the other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner of Human Rights the assurances of its highest consideration.

Geneva, 2 June 2026

To the
Office of the High Commissioner of Human Rights
Palais Wilson
Geneva

Response of the Federal Republic of Germany

to the

Joint Communication from Special Procedures - Office of the High Commissioner for Human Rights

Ref.: AL DEU 2/2026

The Federal Government of Germany attaches great importance to the protection and promotion of human rights worldwide, and expects companies to respect human rights in their business dealings. Peru is an important economic partner both for the EU and for Germany. In addition to the economic relations, the political, cultural, scientific, and personal relations between our countries are very close and based on mutual trust. Germany and Peru furthermore work closely together to combat the international climate crisis. Peru is also a reliable partner for Germany in international fora, defending the international rules-based order and human rights.

Regarding the questions:

Please provide any additional information and/or comment(s) that may you may have on the above-mentioned allegations.

The Federal Government of Germany does not possess additional information regarding the above-mentioned allegations. Without prejudging the accuracy of these allegations, the Federal Government of Germany shares the concern expressed by the Office of the High Commissioner for Human Rights regarding the possible adverse impact of mining activity on human rights.

Please provide information on the measures the Government of your Excellency has taken, or is considering taking, to ensure that business enterprises domiciled in your territory and/or jurisdiction respect human rights in all their activities, including in their supply chain, in line with the UN Guiding Principles on business and human rights (UNGPs).

As mentioned above, Germany attaches great importance to worldwide protection and promotion of human rights. All companies are expected to exercise human rights due diligence in accordance with the UNGPs, the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy. Larger companies are required to comply with the German Act on Corporate Due Diligence Obligations in Supply Chains (short: The Supply Chain Act). The Supply Chain Act will be replaced by an Act transposing the EU directive on the Corporate Sustainability Due Diligence Directive (CSDDD). The German Supply Chain Act served as a blueprint. Furthermore, through the National Action Plan for Business and Human Rights (NAP), Germany wishes to contribute to improving the human rights situation worldwide and to giving globalisation a social dimension in accordance with the 2030 Agenda for Sustainable Development.

In 2021 the German Parliament passed the Supply Chain Act, which entered into force in 2023. The responsibility of German enterprises to respect human rights in global supply chains is thereby placed on a legal footing. The EU Omnibus I package, which includes simplifications to the CSDDD, officially entered into force on March 18, 2026. The CSDDD will be transposed into national law by July 2028.

The German Supply Chain Act puts larger enterprises in Germany under the obligation to respect human rights by implementing defined due diligence obligations. The Act applies to enterprises in Germany with at least 1000 employees.

Core elements of the due diligence obligations include the establishment of a risk management system to identify and prevent or minimize the risks of human rights violations and damage to the environment. The Act sets out the necessary preventive and remedial measures and makes complaint procedures mandatory. The due diligence obligations apply to an enterprise's own business area, to the actions of a contractual partner and to the actions of other (indirect) suppliers.

If enterprises fail to comply with their legal obligations, administrative fines may be imposed in cases of severe human-rights violations. These can amount to up to 800.000 euros or up to 2 % of annual global turnover. Moreover, if an administrative fine is imposed above a certain minimum level, enterprises may be excluded from the award of public contracts.

Please provide information on concrete progress made by the Government of your Excellency in requiring or encouraging business enterprises domiciled in your territory and/or jurisdiction to implement human rights due diligence processes, including their supply chain, in line with the UNGPs.

The Supply Chain Act contains an exhaustive list of eleven internationally recognized human rights conventions. The legal interests protected in those conventions are used to derive behavioural requirements or prohibitions for corporate action in order to prevent a violation of protected legal positions. These include, in particular, the prohibition of child labour, slavery and forced labour, the failure to respect occupational safety and health obligations, the prohibition of unequal treatment in employment, withholding an adequate wage, the disregard of the right to form trade unions or employee representation bodies, the prohibition of causing any harmful environmental changes that lead to negative impacts on human rights (e.g. the denial of access to food and water) as well as the unlawful taking of land and livelihoods.

The Federal Office for Economic Affairs and Export Control (Bundesamt für Wirtschaft und Ausfuhrkontrolle, BAFA) has the necessary enforcement instruments to monitor an enterprise's supply chain management. In this context BAFA has supervisory powers. It is permitted, for example, to enter business premises, demand information and inspect documents. BAFA can further require enterprises to take concrete action to fulfil their obligations and enforce this by imposing financial penalties in cases of severe human rights violations.

Until March 2026, BAFA has carried out a total of 1.766 risk-based controls including 251 incident-based controls (e. g. due to media reports, academia, hints and substantiated requests) since January 2023. BAFA has also received a total of 965 complaints including around 2/3 with no reference to the due diligence obligations enshrined in the Supply Chain Act and/or to human rights/environmental provisions protected by the Supply Chain Act and/or to companies that fall within the scope of the law.

BAFA also supports companies in implementing their due diligence obligations and provides a comprehensive range of information for this purpose. It has published guidance on the following topics since January 2023: risk analysis, appropriateness and effectiveness, complaints procedure in the company, collaboration in the supply chain and standards, audits and certifications as instruments in the due diligence process, banking and insurance industry, the protection of children's rights, risk-based approach, sector initiatives and antitrust law. Germany supports companies in implementing human rights due diligence through various formats (<https://www.csr-in-deutschland.de/EN/Business-Human-Rights/Implementation-support/implementation-support.html>). The Federal Government of Germany sees great value in multi-stakeholder approaches to address human rights and labour rights risks along global supply and value chains.

The OECD Guidelines are another instrument that is aligned with the UNGPs and relevant for the implementation of human rights due diligence processes by Germany-based companies. As an adherent country to the OECD Guidelines, Germany has set up a National Contact Point (NCP) that provides a platform for mediation and dialogue in cases concerning the application of these and other Guideline provisions.

In accordance with Germany's first National Action Plan on business and human rights, the NCP is also closely linked to Germany's instruments on foreign trade promotion housed in the Ministry for Economic Affairs and Energy, i.e. Germany's schemes on export credit and investment guarantees. For enterprises wanting to make use of those instruments, their constructive participation in a complaint before the German NCP may be taken into account in decisions regarding deployment and will also be considered in the context of a company's participation in high-level ministerial delegations.

For the implementation of the National Action plan, the Federal Government has appointed an Interministerial Committee on Business and Human Rights. The Working Group on Business and Human Rights of the Federal Government National CSR-Forum supports the activities of this Interministerial Committee.

Moreover, the Federal Government of Germany organises sector dialogues to improve human rights along global supply and value chains. The dialogues offer guidance to enterprises operating in sectors with particular human rights challenges and support their efforts to implement the human rights due diligence requirements.

Please provide information on the steps the Government of your Excellency is taking or considering taking to ensure that individuals affected by the activities of business enterprises domiciled in your jurisdiction have access to remedy in your country, through judicial or extrajudicial State-bases mechanisms.

According to Article 4 Section 1 and Article 63 Section 1 of Regulation (EU) 1215/2012 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters business enterprises domiciled in Germany can be sued in German courts.

Within its scope of application, the German Supply Chain Due Diligence Act (LkSG) provides for representative legal standing: Individuals can – under certain conditions – authorize domestic trade

unions or NGOs to sue a company in their own name on behalf of those whose rights have been violated.

Lastly, individuals and organizations, including indigenous and other communities, affected by the activities of enterprises domiciled in Germany may also lodge a complaint before the German National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises.