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Secretariat of the Working Group on Business and Human Rights
Sustainable Human Development Section
Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights

BHP Response to the Communication from the Office of the High Commissioner for Human Rights regarding the Antamina mine

Reference: AL OTH 40/2026

Dear Secretariat

BHP welcomes the opportunity to provide its observations in response (**Response**) to the communication received from the Office of the High Commissioner for Human Rights (**OHCHR**) on 9 April 2026 on behalf of the Special Rapporteurs regarding the Antamina mine in Peru (**Communication**). BHP trusts that the information provided in this Response will assist the Special Rapporteurs in their mandates.

About BHP

At BHP, our purpose is to bring people and resources together to build a better world. BHP provides the materials for essential infrastructure that supports global economic development, enables better standards of living, and facilitates greater prosperity.

We take our responsibility to respect human rights seriously and are committed to conducting our global operations in a manner consistent with internationally recognised standards, including through processes to identify, prevent, mitigate and account for adverse human rights impacts associated with our activities and business relationships. This responsibility is grounded in the UN Guiding Principles on Business and Human Rights (**UNGPs**) and is reflected in our Human Rights Policy Statement and broader governance framework.

Consistent with the UNGPs, BHP applies a “risk to people” lens to its activities, recognising that adverse impacts can arise through operations, products and business relationships, including investments. We prioritise the identification and management of risks based on the severity of potential impacts on rights holders, including impacts on community health, water, environmental quality and the wellbeing of vulnerable groups. We also recognise the importance of meaningful engagement with affected stakeholders and of providing (or cooperating in providing) access to remedy where we may cause or contribute to impacts. Where we may be ‘directly linked’ to impacts (for the purpose of the UNGPs), through our business relationships generally, we seek to use our leverage to influence the party responsible for causing or contributing to the impact to provide a remedy, aligned with the UNGP Framework. We explain this further below.

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

While BHP owns and operates many of its assets, it also holds interests in certain entities that we do not operate, commonly referred to as non-operated joint ventures (**NOJVs**). These NOJVs are independently managed and operated by their respective operators and are governed by their own governance frameworks, set out in relevant joint venture agreements. In this context, BHP’s role as an investor does not involve day-to-day operational control or management of a NOJV.

Through the governance rights available to it under relevant joint venture arrangements, BHP engages with NOJV operators on a range of matters, including their approach to identifying and managing human rights risks. This engagement typically occurs through shareholder, NOJV board and committee governance processes in which BHP representatives participate. Through these channels, BHP seeks to encourage alignment with internationally recognised human rights standards and industry practice, while recognising that decisions regarding the adoption and implementation of policies, procedures and controls remain the responsibility of the independent operator.

Through this approach, and consistent with the UNGPs, BHP seeks to promote alignment with internationally recognised standards and continuous improvement in human rights due diligence across its investment portfolio, while respecting the independent governance and operational control of NOJV entities.

Approach for Antamina (NOJV)

The Antamina copper and zinc mine (**Antamina**), located in Peru's Ancash region, is a NOJV. Antamina is operated independently by Compañía Minera Antamina S.A (**CMA**). BHP holds a 33.75% interest in Antamina through a wholly owned subsidiary, with the other shareholder interests held by Glencore (33.75%), Teck Resources (22.5%) and Mitsubishi Corporation (10%).

We understand that CMA intends to respond to a request for information from the OHCHR and respectfully note that CMA is best placed to address allegations relating to the management or operations of Antamina. As outlined above, BHP is committed to respecting human rights and acknowledges that allegations of the nature raised in the Communication have been appropriately raised with both CMA, as the operator of Antamina, and its shareholders.

2. **Please provide information on the human rights due diligence policies and processes established by your company to identify, prevent, mitigate, and account for how they address the human rights impacts of its investment activities, in accordance with the UN Guiding Principles on Business and Human Rights. Please clarify how your company requires investees to conduct human rights due diligence to respect human rights, including those of human rights defenders.**

BHP's approach to human rights due diligence is grounded in the UNGPs, in particular the corporate responsibility to respect human rights set out in UNGP Principle 11. This responsibility is reflected in our Human Rights Policy Statement (**HRPS**), Our Code of Conduct (**Our Code**), and our mandatory minimum performance requirements set out in our relevant Global Standards, such as the *Community and Indigenous Peoples Global Standard*. Together, these instruments articulate our commitment to respect internationally recognised human rights, consistent with UNGP Principle 12, and establish the systems and processes through which we identify, prevent, mitigate and address potential and actual human rights impacts.

Consistent with the UNGPs, BHP's approach is informed by a "risk to people" lens, meaning that we prioritise risks based on the severity and likelihood of harm to rights holders, rather than the risks to business alone. This reflects the UNGP requirement to focus on severity of impacts on rights holders. We recognise that BHP may be involved in impacts through causing, contributing to, or being directly linked to human rights impacts through our operations, products or business relationships, including our supply chain and investments, consistent with UNGP Principle 13.

BHP's approach to human rights is also guided by the aims of the UN Declaration on the Rights of Indigenous Peoples (**UNDRIP**), as reflected in our HRPS and *Indigenous Peoples Policy Statement*. This is translated into practice through BHP's broader rights-based approach which, consistent with the UNGPs, emphasises:

- identifying and managing risks to people, including Indigenous peoples;
- prioritising severe impacts and heightened risks faced by vulnerable groups, which often include Indigenous communities; and

- undertaking meaningful engagement with affected groups to incorporate their perspectives into the identification and management of impacts, consistent with UNGP Principles 18 and 21.

This approach embeds UNDRIP principles within BHP's overarching human rights due diligence processes, rather than treating it as a standalone framework.

Approach for operated assets

Human rights due diligence is embedded within BHP's broader risk management and sustainability framework and reflects the core elements of the UNGPs, such as assessing impacts, integrating and acting, tracking effectiveness and communicating how impacts are addressed. Our due diligence processes are designed to identify, prevent, mitigate and account for adverse human rights impacts across the full lifecycle of our activities, consistent with UNGP Principle 17.

Oversight of human rights risks is embedded within BHP's governance framework. The BHP Board's Sustainability Committee receives periodic updates on emerging human rights issues and trends. In addition, material risks, including salient human rights risks, are reported on to both the Sustainability Committee and the Risk and Audit Committee through BHP's enterprise risk management processes. Together, these governance structures support accountability and oversight at the highest levels of the organisation, consistent with the UNGP expectation of embedding respect for human rights throughout the organisation.

The HRPS and our Global Standards establish minimum due diligence expectations consistent with the UNGPs, including requirements for human rights impacts assessments at our operated assets. These assessments are conducted periodically, and more frequently where operational or contextual changes may affect the risk profile. This reflects the UNGP expectation that due diligence is an ongoing and dynamic process, responsive to evolving risks to people.

BHP has developed a globally consistent human rights impact assessment methodology for our operated assets aligned with UNGP guidance, designed to identify threats to and potential adverse impacts on human rights, as well as opportunities to promote human rights through our activities. This methodology allows for local customisation while enabling a consistent global view of BHP's human rights risk profile and opportunities.

The outputs of these assessments are integrated into BHP's broader risk management systems and business planning processes, with effectiveness monitored through internal assurance mechanisms and governance processes, including periodic reporting to senior management and the BHP Board, consistent with UNGP Principles 19 and 20.

In line with UNGP Principle 21, BHP communicates information regarding its human rights approach and performance through public disclosures, including our Annual Reports. In FY2025, BHP progressed several initiatives to further strengthen alignment with the UNGPs and enhance our risk-to-people approach, including merging its Ethics, Compliance and Human Rights function, establishing a cross-functional Human Rights Working Group, updating human rights due diligence procedures and tools, delivering targeted human rights training, and progressing enhancements to our human rights impact assessment methodology. In FY2026, we formed a new Human Rights and Social Performance team to strengthen human rights assurance across the business.

Approach for NOJVs

BHP's policies and procedures do not generally apply directly to its NOJVs, which are independently governed. Instead, each NOJV is expected to adopt its own policies and procedures. That said, in the context of a NOJV, and consistent with the application of the UNGP Framework, BHP recognises that, as a shareholder, it may be 'directly linked' to human rights impacts through its business relationship with an operator such as CMA, even where it has not caused or contributed to those impacts. As outlined above, CMA is independently managed and governed with its own operating and management standards, and BHP's connection to CMA's operations arises through its minority shareholding.

In that regard, BHP seeks to use available NOJV governance channels (such as through its NOJV board and committee participation), to encourage its investees to adopt and maintain appropriate policies, controls and management systems aligned with international human rights frameworks and standards such as the UNGPs.

In the context of CMA, BHP seeks to exercise influence through its NOJV governance channels to promote alignment with international standards (such as the UNGPs). This includes participation on CMA's board and committees, through which BHP's nominees encourage the adoption and continuous improvement of human rights-related frameworks. At the same time, BHP recognises that CMA is independently responsible for setting and implementing its own policies, procedures and controls. For example, BHP and other shareholders are represented on CMA's Environment & Communities (**E&C**) Committee which provides subject matter expertise and guidance on social, community and environmental matters, including human rights (including the rights of human rights defenders).

Ultimately, through the mechanisms identified above, BHP seeks to encourage NOJVs to implement and maintain effective policies and frameworks aligned with international standards, while respecting the independent governance of NOJV operators.

3. Please provide information on the measures that your company has taken or is planning to take to address the concerns mentioned and to provide remedial measures to address the negative human rights impacts caused by its investment activities.

Approach for operated assets

BHP takes allegations of adverse human rights impacts seriously and recognises the importance of access to remedy, consistent with the foundational principle of the UNGPs. Where BHP identifies or becomes aware that we have caused or contributed to a potential or actual adverse human rights impact in the context of our operated assets, we are committed to taking appropriate action to identify, mitigate or otherwise address the impact and support remediation where required. In line with our human rights framework outlined above, this includes engaging with affected stakeholders and rights holders to understand the impacts and appropriate forms of remedy, working to cease or prevent the continuation of or recurrence of harm, and supporting or cooperating in the remediation process where appropriate.

Approach for NOJVs

In the context of NOJVs, and consistent with the UNGPs, BHP uses available governance channels to encourage NOJV operators, such as CMA, to adopt and implement practices consistent with internationally recognised human rights standards, including with respect to the management of grievances. This reflects BHP's broader approach to promoting respect for human rights, including through its operated assets, as outlined above.

In response to the Communication, BHP is engaging with CMA (in its capacity as shareholder and together with the other shareholders of CMA) through the available governance channels (including through dialogue on the E&C Committee). Through this engagement, BHP is seeking to exercise its leverage to support the identification, assessment and mitigation of any potential impacts. While BHP respects the independent management of its joint venture partners, BHP remains committed to ongoing engagement through governance channels to encourage continuous improvement in the processes for management of human rights risks. Consistent with this approach, BHP will, where possible and if necessary, endeavour to use its influence to support the prevention, mitigation and remediation of adverse human rights impacts to which BHP may be directly linked through its business relationships.

4. Please provide information on policies your company has taken or is considering taking to ensure the protection of human rights defenders and groups that may be in a situation of vulnerability.

BHP recognises the important role that human rights defenders play in promoting accountability, safeguarding fundamental freedoms and contributing to the prevention and resolution of human rights

risks in areas in which we operate. In line with the UNGPs' emphasis on heightened due diligence in contexts involving vulnerable or at-risk groups, we acknowledge that individuals and groups (including community representatives, Indigenous leaders, workers, journalists and civil society actors) who raise concerns about business activities may face heightened risks of intimidation, harassment or reprisals in certain operating environments.

Consistent with UNGP Principle 1, BHP respects the State's duty to protect human rights, including the protection of human rights defenders. We engage constructively with governments, regulators and industry bodies to support improvement of policy coherence and to reinforce the importance of effective government action. We recognise that in some jurisdictions there may be gaps in State protection, and in such contexts we seek to exercise enhanced due diligence and responsible business conduct in line with UNGP Principle 7.

BHP's approach to security-related human rights risks is further informed by our alignment with the Voluntary Principles on Security and Human Rights. Through this framework, we seek to ensure that our interactions with public and private security providers at our operated assets are consistent with respect for human rights. This alignment supports the prevention of adverse impacts that may arise in connection with security practices, particularly in higher-risk environments. BHP also actively participates in industry-level initiatives, including through the International Council on Mining and Metals (ICMM) to advance responsible practice in engagement with vulnerable stakeholders and human rights defenders.

BHP's commitment to respecting human rights defenders is reflected in our HRPS, Our Code (including our *Speaking up with confidence* guidance note) and our Global Standard for Communities and Indigenous Peoples. These frameworks reinforce the importance of ongoing, meaningful, inclusive and culturally appropriate engagement with stakeholders (including potentially affected communities and vulnerable groups) throughout the lifecycle of our activities, consistent with the UNGPs. They also highlight expectations that engagement be conducted in a manner that recognises power imbalances, addresses barriers to participation, and supports the effective expression of stakeholder views.

BHP's policies and standards set out clear expectations for our workforce in relation to ethical conduct, respect for human rights, and appropriate engagement with external stakeholders. These include expectations regarding non-retaliation, respectful conduct, and the responsible management of concerns raised by stakeholders, including human rights defenders. BHP also seeks to promote these values through the governance channels available to it in respect of its business relationships, consistent with its broader approach to encouraging alignment with internationally recognised human rights standards.

5. Please provide information on steps taken by your company to establish and/or participate in operational-level grievance mechanisms, in line with the UN Guiding Principles, to effectively address the adverse human rights impacts caused by and/or contributed to your company throughout your business activities and/or business relationships.

Approach for operated assets

BHP has established and participates in operational-level grievance mechanisms for its operated assets as part of its commitment to identify, address and remediate adverse human rights impacts, in alignment with the UNGPs. In particular, these mechanisms reflect the expectations set out in UNGP Principles 29-31, which call for effective operational-level grievance mechanisms to enable early identification and remediation of adverse human rights impacts, and Principle 22, which emphasises the responsibility of corporations to provide for or cooperate in remediation where they have caused or contributed to harm.

Our approach is underpinned by Our Code and the *Speaking up with confidence* guidance note, which sets out how we protect individuals who raise concerns. Consistent with UNGP Principle 29, which recognises the importance of enabling concerns to be raised early and addressed directly, we encourage our employees, contractors, suppliers and all those affected by our business globally to promptly raise concerns about any conduct they believe may be illegal, improper or inconsistent with Our Charter values or Our Code, including potential human rights impacts. This includes concerns relating to safety,

environmental issues, financial matters, ethical conduct, human rights violations or retaliation against individuals for speaking up.

To support this, BHP maintains a confidential, 24-hour, multilingual business conduct hotline (Integrity@BHP) which is accessible to employees, contractors and members of the public. In addition, BHP requires local-level complaints and grievance mechanisms to be established at all operated assets, capital projects and exploration regions. These mechanisms are designed to be accessible for affected communities and are tailored to the local context, consistent with the UNGP effectiveness criteria.

All concerns and complaints raised through these avenues are acknowledged, reviewed and documented. Where appropriate, matters are investigated, and where substantiated, BHP takes corrective action and seeks to provide or cooperate in providing appropriate remediation where we have caused or contributed to adverse human rights impacts. Consistent with Our Code and the UNGP emphasis on non-retaliation and safe access to grievance processes, BHP does not tolerate any form of punishment, discipline or retaliatory action against individuals for raising concerns or cooperating in investigations.

BHP also seeks to ensure that learnings from grievances are integrated back into our human rights due diligence processes, reflecting UNGP Principle 20 on tracking effectiveness. This includes ongoing efforts to improve how outcomes are communicated to stakeholders and how insights from grievances inform risk identification and management. At the operational level, we internally track and report instances of community concerns, complaints and grievances received through our operational grievance mechanisms. As outlined in our 2025 Annual Report, in FY2025, there were 109 concerns and complaints recorded, and one grievance received across our operated assets globally. The most common theme related to conduct and behaviour, including concerns over the levels of communication and engagement level, employment and procurement practices, and ethical behaviours. Complaints relating to operational impacts, such as road traffic, noise and dust, were also received. Operated assets seek to resolve these matters and, where appropriate, remedy adverse impacts to community members affected by impacts caused or contributed to by our operations.

To support continuous improvement of our community grievance mechanisms, BHP undertakes internal assurance activities in relation to its grievance mechanisms. In late FY2025, a second-line assurance review of community grievance mechanisms at operated assets and certain exploration regions identified opportunities to enhance accessibility and improve internal data, reporting and evaluation practices. BHP is progressing these actions to address these findings as part of its broader commitment to strengthening the effectiveness of its grievance processes.

Through these measures, BHP seeks to ensure that effective, accessible and trusted mechanisms are in place to enable early identification and resolution of concerns, provide access to remedy, and support ongoing improvement in the management of human rights impacts across its operations and business relationships.

Approach to NOJVs

BHP does not establish operational-level grievance mechanisms at NOJVs as these are the responsibility of the operator. We understand that CMA, as the operator of Antamina, intends to provide a response setting out information regarding the operational-level grievance mechanisms in place at Antamina.

Conclusion

BHP welcomes the mandate holders' engagement on these important matters. As outlined in this Response, BHP takes its responsibility to respect human rights seriously, including in the context of its NOJV interests.

BHP remains available to provide any further information or clarification that the mandate holders may require.

Yours sincerely



Álvaro Loyola
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