

## The German National Action Plan on Business and Human Rights

*Presentation by*

*Commissioner for Human Rights Policy and Humanitarian Aid Dr. Bärbel Kofler  
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The German National Action Plan on Business and Human Rights (NAP) was drawn up between 2014 and 2016. This intense process offered a platform for many stakeholders from the business sector, politics, civil society, associations and academia. As a result, the German NAP pools the strengths of the various stakeholders. It is an active contribution to improving the human rights situation along the supply and value chains in Germany and worldwide.

Our NAP sets out the government's expectation for all German businesses to implement corporate human rights due diligence, structured along five core elements, which are rooted in the UN Guiding Principles. The government itself commits to strengthening its instruments for protecting human rights in areas such as public procurement, granting of subsidies, development cooperation and external trade promotion. The Federal Government will also take specific action to step up its commitment to the protection of human rights defenders when applying the UN Guiding Principles.

Access to remedy is being addressed in various parts of our NAP.

- The NAP stipulates that companies, in order to fulfil their human rights due diligence requirements, should establish an adequate grievance mechanism. The mechanisms should provide a fair, balanced and predictable procedure which is accessible to all those who might be affected.
- Companies' efforts for grievance mechanisms may include establishing their own grievance procedures or playing an active part in external procedures. Such procedures may also be established by sectoral associations.
- The Federal government has committed to continuously support sectorial dialogues. As a possible result, sectorial guidelines could offer common approaches on corporate grievance mechanisms. Just tomorrow (30 November) there will be a full day kick-off conference for the promotion of sectorial dialogues in Berlin, organised by the Federal Government (Ministry of Labour and Social Affairs).
- In addition, the National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises as a grievance mechanism has been upgraded through the creation of a link between NCP specific instances and external trade promotion. Participation in grievance proceedings initiated against a company before the National Contact Point will be taken into account for the granting of certain external trade promotion instruments (mainly export credit and investment guarantees).
- Germany takes the work of the NCP very seriously. We have also reorganised and strengthened its structure and resources. This summer the NCP has welcomed an OECD peer review team. We look at the recommendations stemming from the peer review with great attention to further improve the NCP's work.

- Moreover, the Federal Government will produce a multilingual information brochure on access to justice for injured parties, which gives potentially affected persons an easy-to-follow summary of the remedies available under German civil procedural law.

Independently from ongoing NAP implementation we are witnessing interesting developments in Germany when it comes to access to the German judiciary. Specific claims directed against German companies with injured parties from Pakistan and Peru have been brought to local civil courts in Germany. The outcome of these court cases will certainly offer valuable insights and lessons.

NAP implementation requires a whole-of-government approach. Ten different ministries and our federal chancellery contribute to fulfilling the NAP commitments. Also, non-governmental stakeholders continue to play an active part.

Therefore, our NAP has a sophisticated governance structure:

- An Interministerial Committee is meeting every other month to coordinate government action, review progress in NAP implementation and ensure policy coherence.
- Furthermore, a multi-stakeholder working group on business and human rights gives recommendations to the Interministerial Committee. It is chaired by our National Human Rights Institution.

A support package for business is taking shape. One example: A “NAP Help Desk” has been launched by Germany’s Agency for Business and Economic Development. It serves as an access point to tailored support for business.

In addition, there are already many different initiatives in place that serve as a learning platform for stakeholders. These include the German Global Compact Network, the Partnership for Sustainable Textiles, the Forum for Sustainable Cocoa or the Forum for Sustainable Palm Oil.

The German government is also setting up a NAP monitoring process to assess whether at least 50% of all enterprises based in Germany with more than 500 employees will have incorporated the elements of human rights due diligence by 2020. If this target is missed, the Federal government will consider further action, which may include legislative measures. In 2020, an encompassing report will assess overall NAP implementation by all stakeholders, including the government. This report will be a basis for preparing potential follow-up measures to the current NAP.

We are delighted to see that more and more countries are developing and implementing National Action Plans. The Federal Government strives to promote such processes in developing and newly industrialised countries, for example by supporting national human rights institutions. Germany will continue to participate in the business and human rights dialogue on the international level and hopes to promote cooperation with various stakeholders from all over the world to ensure the implementation of the UN Guiding Principles.