GER contribution to the OHCHR Report: Realizing Children’s Rights through a Healthy Environment

*4. Please provide information on national laws and policies to ensure that companies undertake environmental and human rights due diligence and do not contribute to abuses of children’s rights.*

Several laws are in force in Germany to protect children and youth from rights abuses and rights infringements by companies. For example, the Youth Protection Act (Jugendschutzgesetz) prohibits the sale of alcohol and tobacco to children and youth and regulates their presence in events and their access to media. Furthermore, German labour law forbids the employment of children and youth. There are some exceptions (e.g. light work allowed for children aged 13 and older).

Germany is also implementing EU policies connected to the issue of due diligence. The EU regulation on timber is in force and the regulation on conflict minerals will come into full force in 2021. Directive 2014/95/EU on Non-Financial Reporting (NFRD) has been transposed into national law. It requires large capital market-oriented companies, credit institutions and insurance companies with more than 500 employees to report regularly on environmental, employee and social issues, respect for human rights and the fight against corruption and bribery provided that this information is essential for an understanding of the course of business, the business results, the situation of the company and the effects of its activities.

Germany has adopted its National Action Plan on Business and Human Rights in 2016 (NAP). Our NAP sets out the government’s expectation for all businesses to implement corporate human rights due diligence, structured along five core elements which are rooted in the UN Guiding Principles on Business and Human Rights. The German government has set up a NAP monitoring process to assess due diligence implementation by businesses.

Germany is also committed to implement the OECD Guidelines for Multinational Enterprises and the ILO MNE-Declaration, which both contain provisions on human rights due diligence by companies.

***a. What measures are in place to combat hazardous forms of child labour in which children are at particular risk of exposure to hazardous and toxic substances?***

According to section 22 of the Act on the Protection of Young People at Work, young people must not be engaged in dangerous work. The Act expressly prohibits employment exposing young people to the harmful effects of radiation and hazardous substances as set out in the Hazardous Substances Ordinance or of biological agents as set out in the Biological Agents Ordinance. Exceptions are only admissible if such work is necessary to achieve the vocational training goal and the protection of young people is ensured through the supervision of an expert.