

Implementation of the
International Covenant on Economic, Social and Cultural Rights
in the Federal Republic of Germany

**List of issues in relation to the
seventh periodic report submitted by Germany
on 21 December 2023
([E/C.12/DEU/7](#) plus [Annex](#))**

Part II: Extraterritorial Obligations

Submitted by FORUM MENSCHENRECHTE
(HUMAN RIGHTS FORUM – Network of German Human Rights Organizations)
to the United Nations Committee on Economic, Social and Cultural Rights

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1. ISSUE: Climate change

ICESCR: General issue

Concluding observations on the [sixth periodic report](#): Climate change (paras. 18-19)

QUESTIONS:

What strategies and concrete plans has the Federal Government developed to achieve its emission reduction targets after 2030 and to become climate neutral by 2045, and how (through what instruments) does the government ensure that it complies with its human rights obligations relating to climate change in all policy areas, both at home and abroad?

EXPLANATORY NOTE:

In a 2021 [ruling](#), the Federal Constitutional Court made it abundantly clear that climate protection is essential to the fulfilment of fundamental rights and freedoms over time, and that protecting these rights and freedoms requires international cooperation to address climate change. The court also ruled that the national climate protection law in place at the time was partially unconstitutional due to its lack of strategies and concrete plans to achieve climate neutrality after 2030.

In its Concluding Observations of 2018, the Committee also focused on strengthening climate mitigation (until 2030). The 2023 State Report responds to the Committee's recommendations by detailing the reformed climate protection law, including the development of a comprehensive climate protection programme and the decision to phase out coal-generated energy by 2038. In its most recent [assessment](#) in May 2025, the council of climate experts, mandated by the climate protection law, stated that the emission reduction targets included in the law for 2030 will likely be met, despite the buildings and transport sectors continuing to exceed their limits, with overall compliance mainly due to emissions reductions during the Corona pandemic and the stagnating national economy. Furthermore, it draws attention to projections indicating that the climate reduction targets for the period after 2030 will not be met.

The lack of clarity regarding how Germany intends to achieve climate neutrality in the long term (by 2045) is particularly concerning in light of the Federal Constitutional Court's ruling and should be addressed in the updated climate protection programme. This is especially pertinent given that the new government's [coalition agreement](#) remains vague on meeting national emission reduction targets.

To date, Germany has not adopted a human rights-based climate policy that would provide an explicit framework encompassing and guiding all or at least some aspects of climate policy, including climate mitigation, adaptation, loss and damage, just transition, climate finance, procedural rights and environmental rights defenders, both at the domestic and international levels. When justice-related issues such as social and generational justice, inequality and vulnerability are considered in climate policy (e.g. just transition, adaptation), accountability mechanisms and individual entitlements are often lacking. Rights protective measures are also frequently limited to specific areas, such as health protection, rather than rights being implemented in a comprehensive and systematic manner as overarching guiding principles, including gender equality and inclusivity.

2. ISSUE: Externalization of migration control, outsourcing of asylum procedures, and extraterritorial obligations towards migrants and refugees

ICESCR: General issue, Articles 2 (1), 2 (2), 22 and 23

Concluding observations on the [sixth periodic report](#): Recommendation no. 59

QUESTIONS:

- How does Germany make sure that any form of externalizing migration control and outsourcing of asylum procedures is compatible with its duties towards migrants and refugees under the Covenant?
- How does the State party ensure that unlawful discrimination on grounds of nationality or legal status and other violations of Covenant rights, including but not limited to core obligations such as guaranteeing access to education and access to essential drugs, do not occur in the context of EU arrangements and arrangements with third countries?
- How does the State party monitor effective compliance in the context of the realization of the Covenant rights on the territory of other States, including but not limited to ensuring that the money Germany spends on so-called migration partnerships with third countries meets its extraterritorial obligations towards refugees and migrants under the ICESCR?

EXPLANATORY NOTE:

- In its Statement on the “Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights” of February 2017 ([E/C.12/2017/1](#)), the Committee underlined that “it sees any measure that States parties adopt to support the realization of the Covenant rights on the territory of other States as contributing to the aims of the Covenant” (para. 18). Likewise, the Committee reminded Germany of its duties towards refugees and migrants in its Concluding observations of 2018 (recommendation no. 59).
- With a view to extraterritorial obligations towards non-EU countries, the Special Rapporteur on the human rights of migrants noted that the principle of non-refoulement applies to “a wide range of risks of irreparable harm”, including “access to or the level of enjoyment of economic and social rights” ([A/HRC/47/30](#): para. 42). States may not simply rely on international agreements entailing legal guarantees against *refoulement*. According to the jurisprudence of the European Court of Human Rights, such guarantees need to be effective not only on paper, but also in practice (cf. [BMI 2025](#): 8).
- In recent years, Germany and the EU have taken considerable steps to externalise migration control and protection to Non-EU-states. They have made informal agreements with countries like Niger or have signed MoUs or other kind of written agreements with countries like Tunisia, Egypt or Mauritania with the aim of blocking migrants and refugees from coming to the EU. In all cases, partner countries have received considerable amounts of money from the EU that, amongst others, have been spent on border security and on strengthening security forces. Delivering equipment and trainings is also part of those deals.
- As various studies have shown (e.g. studies on EU-migration partnerships with [Niger](#), [Tunisia](#) and [Egypt](#) by Brot für die Welt and Misereor), these so-called migration partnerships potentially violate fundamental social, economic and human rights of refugees and migrants including *refoulement*.
- Legal arrangements like the Dublin Regulation of the EU risk undermining the Covenant by allowing for the automatic “transfer” of asylum applicants from Central European countries

like Germany to external border countries like Greece. These intra-EU arrangements may raise issues under the European Convention of Human Rights, for example regarding an “applicant’s living conditions in Greece”, assessed by the European Court of Human Rights at the time as constituting a violation of Article 3 ECHR ([M.S.S. v. Belgium and Greece](#)). Likewise, the Court of Justice of the European Union ruled that intra-European transfers are unlawful if an applicant for international protection, “should he be transferred [from Germany to Italy, for example, would] find himself, irrespective of his wishes and personal choices, in a situation of extreme material poverty” ([Case C-163/17](#)).

3. ISSUE: Recognition, consultation and protection of human rights defenders of economic, social and cultural rights in the context of German companies operating abroad and development cooperation

ICESCR: General Issue

Concluding observations on the [sixth periodic report](#): Recommendations No. 8, 10 and 11

QUESTIONS:

- Which measures does Germany take to increase the recognition for the important and legitimate work of human rights defenders among German companies operating abroad?
- How does Germany ensure that companies headquartered in its jurisdiction conduct inclusive and participatory consultations with human rights defenders, particularly those from communities directly affected or at risk of being affected by negative human rights or environmental impacts, and notably in the context of obtaining free, prior and informed consent (FPIC) as well as in the design and implementation of effective remedy mechanisms?
- What measures does Germany adopt to ensure accountability and impose appropriate sanctions when a company headquartered in Germany is found to have caused, contributed to, or failed to prevent human rights violations against human rights defenders, particularly in cases where the company knew or ought to have known of the risks through its human rights due diligence processes?

EXPLANATORY NOTE:

Human rights defenders (HRDs) of economic, social and cultural rights play a key role in the field of business and human rights. All too often, human rights defenders of economic, social and cultural rights lack a safe and enabling environment to carry out their work. They face threats, harassment, smear campaigns, criminalization, physical violence and even murder worldwide. These attacks are seldom prosecuted, allowing impunity to prevail. Land and environmental defenders are among the most frequently targeted HRDs, suffering some of the highest fatality rates worldwide.

At the same time, HRDs of economic, social and cultural rights play a vital role in monitoring compliance with the German [Supply Chain Act](#) and reporting human rights violations through the State-based non-judicial grievance mechanism. Similarly, they will be important partners for the German State in monitoring compliance with the EU [Corporate Sustainability Due Diligence Directive](#) (CSDDD). Nevertheless, human rights defenders, notably those from communities directly affected or at risk of being affected by negative human rights or environmental impacts of business activities, are frequently not consulted at all or not

effectively consulted despite meaningful stakeholder engagement being an essential component of due diligence. Furthermore, HRDs are disproportionately affected by retaliation when raising concerns about human rights and environmental impacts, including through grievance mechanisms.

4. ISSUE: The right to land and other human rights closely tied to land (esp. the right to food, right to housing, right to water)

ICESCR: Articles 1 (2), 11, 12, 13, 14 and 15

Concluding observations on the [sixth periodic report](#): Recommendations No. 10 and 11

QUESTION:

How does Germany implement its human rights obligations in land-related contexts in (a) development cooperation, (b) when supporting land-related investments abroad, and (c) with regard to land-based investments by private actors domiciled in Germany?

EXPLANATORY NOTE:

- The expert panel [IPES-Food](#) highlights that 1% of the world's largest farms now operate 70% of the world's farmland, leaving many farmers without land, fragmented and/or very small plots, undermining their livelihoods.
- Already in its [concluding observations of 2011](#) to the 5th State report of Germany, the CESCR urges in relation to German support for land policies abroad: "The Committee recommends that the development cooperation policies to be adopted by the State party contribute to the implementation of the economic, social and cultural rights of the Covenant and do not result in their violation" (para. 11).
- Land-related investments and policies also often impact access to and control over water resources. The CESCR details in its [General Comment No. 15](#) (in line with [Maastricht Principles](#) 19, 20 and 21) that "International cooperation requires States parties to refrain from actions that interfere, directly or indirectly, with the enjoyment of the right to water in other countries" (para. 31).
- Large-scale land investments risk violating rights under the Covenant because they often affect many smallholders whose legitimate land rights are ignored and violated. The CESCR details in its [General Comment No. 26](#) (in line with [Maastricht Principles](#) 23-27) that "States parties shall take the necessary steps to prevent human rights violations abroad in land-related contexts by non-State actors over which they can exercise influence" (para. 42).
- The CESCR suggests in this regard in its recommendation No. 10 to take measures "to guarantee that the victims of human rights abuses by companies domiciled in Germany or under the country's jurisdiction have access to effective remedies and compensation in Germany" (see also UPR 2023, 6.196 ff., approved by Germany).
- The CESCR draws attention in its recommendation No. 11 to the relevance of "its general comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities (E/C.12/GC/24)." This [general comment](#) highlights: "Extraterritorial obligations arise when a State party may influence situations located outside its territory, [...] by controlling the activities of corporations domiciled in its territory and/or under its jurisdiction, and thus may contribute to the

effective enjoyment of economic, social and cultural rights outside its national territory” (para. 28).

5. ISSUE: Effective remedies and compensation for victims of human rights abuses involving German companies operating abroad

ICESCR: Article 2 (1)

Concluding observations on the [sixth periodic report](#): Recommendations No. 9 to 11

QUESTION:

How does Germany ensure that victims of human rights abuses involving German companies operating abroad have adequate access to effective remedies and compensation, despite the current rollback of supply chain legislation?

EXPLANATORY NOTE:

In its Concluding Observations on Germany’s sixth periodic report, the CESCR recommended that the State party take measures “to guarantee that the victims of human rights abuses by companies domiciled in Germany or under the country’s jurisdiction have access to effective remedies and compensation in Germany” (Recommendation 10; see also UPR 2023, recommendations 6.196 ff., which were accepted by Germany).

Since then, Germany has made some progress by introducing the [Act on Corporate Due Diligence Obligations in Supply Chains](#) (short in German: LkSG), which entered into force in 2023. As of January 2024, the law requires companies with at least 1,000 employees to fulfill human rights and certain environmental due diligence obligations in relation to their own operations and business partners in the supply chain.

However, the law does not provide victims with a legal basis for claiming compensation. At the time, there was no political majority in favor of regulating civil liability. Moreover, Section 3(3) of the LkSG explicitly states that a breach of the due diligence obligations under the Act shall not give rise to liability under existing German tort law. As part of the political compromise, a special form of representative action was introduced in Section 11, allowing affected individuals to be represented in court by domestic trade unions or NGOs. However, this is neither a collective redress mechanism, as recommended by the CESCR in its last concluding observations, nor is it of much practical use to victims, since – as explained above – the LkSG does not give rise to claims for damages that could be enforced in court. Another element of the compromise was the establishment of an administrative complaints mechanism at the competent enforcement authority, the [Federal Office for Economic Affairs and Export Control \(BAFA\)](#). Additionally, the German government announced that it would advocate for the regulation of civil liability at the EU level.

In the absence of civil liability provisions, the administrative complaints mechanism is the central remedy available to affected individuals. Since the law came into force, several complaints have been submitted. However, experience to date shows that the procedure has not fulfilled its role as the central remedy, nor does it meet international standards for such mechanisms, particularly those outlined in UNGP 31 (see ECCHR, Brot für die Welt and Misereor 2025: [Zwei Jahre Lieferkettengesetz - Ein Erfahrungsbericht](#)). Key shortcomings include a lack of accessibility and transparency. The mechanism is not widely known among potentially affected groups. This is further exacerbated by the fact that BAFA does not publish

a list of companies subject to the LkSG, making it difficult for potential complainants to determine whether BAFA is the competent authority in their case. In addition, BAFA has not published procedural rules, leaving the process opaque and complainants uncertain about the steps involved and possible outcomes. Even after filing a complaint, complainants receive no specific information about the status or progress of the procedure. Furthermore, BAFA does not consult those affected sufficiently throughout the proceedings. It thereby fails to recognize their role as experts on the ground and is prevented from successfully assessing the effectiveness of measures taken by companies and/or ordered by BAFA. This risks that the entire due diligence process becomes a mere tick-the-box exercise without any real improvements for rights holders. Instead, it would be important that BAFA rigorously assesses whether due diligence measures are effective – and issues sanctions where companies are unwilling to take appropriate steps. Another concern is that complaints submitted anonymously are treated by BAFA merely as hints, with complainants being granted no standing as party to the proceedings nor any procedural rights. At the same time, many complainants face serious security risks that prevent them from disclosing their identities, which discourages them from approaching BAFA in the first place. An illustrative example of this issue is the case of landowners and villages in the West Bank whose land has been transferred to and among settlers on <http://yad2.co.il>, a website operated by an Israeli subsidiary wholly owned by German media company Axel Springer S.E. ([The Intercept](#), 5 February 2024). Subsequently, five Palestinians and the villages of Marda, Iskaka and Taybeh filed a complaint at BAFA against Springer on 26 November 2024. Fearing for their safety, the rightsholders preferred to remain anonymous. BAFA staff assured the complainants that BAFA would protect the rightsholders' identity from disclosure to the opponent. However, without further communication, BAFA rejected the complaint on 14 April 2025, reasoning that the five individuals should have submitted powers-of-attorney revealing their identity to Axel Springer S.E. As a result, BAFA effectively requires the rightsholders to risk their lives if they want their case to be investigated. Moreover, the supervisory authority's independence appears questionable.

The situation is further complicated by the current political debate in Germany about abolishing the LkSG. The [coalition agreement](#) provides that in the future, only so-called “severe human rights violations” should be subject to sanctions (p. 60, no. 1914). This has created significant uncertainty – and would gravely undermine the indivisibility of human rights if implemented.

At the EU level, the [Corporate Sustainability Due Diligence Directive](#) was adopted – though without the support of Germany. The Directive includes provisions on civil liability as well as other key measures to improve access to justice, such as allowing courts, under certain conditions, to order the disclosure of evidence. These provisions would finally give affected individuals a realistic chance of obtaining compensation in EU courts for harm caused by companies domiciled in the EU.

However, these very provisions are now at risk of being removed through the so-called omnibus procedure – a move that the German government supports, according to its coalition agreement. In addition – and contradictory to the coalition agreement – Chancellor Friedrich Merz has called for the Directive to be scrapped entirely. By announcing this, the German government ignores the human rights demand of “achieving progressively the full realization of the rights” recognized in the ICESCR, Article 2 (1).

6. ISSUE: Official development assistance (ODA)

ICESCR: Articles 2 (1), 9, 11, 12, 13

Concluding observations on the [sixth periodic report](#): Official development assistance (paras. 20 and 21)

QUESTION:

Does the German Government contribute, to the maximum of its available resources, to achieving progressively the full realization of the human right to health, education and social protection through international co-operation and humanitarian assistance? Will the German Government meet the official development assistance commitment of 0.7% of GDP consistently in future years, as recommended by the Committee in its concluding observations on the sixth periodic report in 2018?

EXPLANATORY NOTE:

If recent forecasts are correct, then German funding for official development assistance threatens to fall to its lowest level of the last ten years. This means that Germany is increasingly drifting away from its international commitment to provide at least 0.7% of its economic output for development cooperation and humanitarian aid. However, as one of the richest countries in the world, Germany has a human rights obligation to support those states with fewer financial resources to fulfil their duties with regard to the implementation of social rights. According to Principle 33 of the [Maastricht Principles on Extraterritorial Obligations of States](#) in the Area of Economic, Social and Cultural Rights (2013), “States, acting separately and jointly, that are in a position to do so, must provide international assistance to contribute to the fulfilment of economic, social and cultural rights in other States”.

Development cooperation funds should be invested to a far greater extent than has been the case to date in the realization of social human rights, namely in the health, education and social protection sectors, which are particularly important for poverty reduction (SDG 1). As research has pointed out, there is strong evidence that there is scope and urgent need to increase social protection’s share and amount of aid (cf. [Evans et al. 2023](#)).

7. ISSUE: Global tax justice to support the full realization of social rights

ICESCR: Articles 2 (1), 9, 11, 12, 13

QUESTION:

Is the German Government taking concrete steps to create an international enabling environment conducive to the universal fulfilment of economic, social and cultural rights? Is the German Government taking all necessary steps to control national and international tax evasion and eliminate incentives for illegal financial flows that harm fiscal space for social investment in low and middle-income countries? Is the German Government fully committed to advance the UN Tax Convention?

EXPLANATORY NOTE:

In its Statement on [Tax policy and the International Covenant on Economic, Social and Cultural Rights](#) of February 2025 (E/C.12/2025/1), the Committee recognizes that ensuring the

enjoyment of economic, social and cultural rights requires the mobilization of sufficient resources through taxation. The statement also confirms that parties have a duty to take measures to combat tax evasion and tax avoidance, also beyond their own territory.

However, the existing international tax framework still marginalises low-income countries, allowing tax-related illicit financial outflows to remain concealed in a way that foreseeably affects socioeconomic rights. The combined global revenue loss for 2024 is estimated at US\$ 492 billion, of which US\$ 347 billion was due to corporate tax abuse and US\$ 145 billion due to the offshoring of wealth in tax havens by individuals (United Nations University International Institute for Global Health 2025: [Tax systems and policy: Crucial for good health and good governance](#); Tax Justice Network: [State of Tax Justice 2024](#)). Poorer countries are disproportionately burdened by the loss of revenue. This avoidable situation contributes to the most disadvantaged low-income countries being unable to meet their obligations to fulfil core socioeconomic rights like health, education and social protection (see Dereje Alemayehu, “Only international tax justice enables social security,” in: [Brot für die Welt 2025](#): 12-16).

The German Government is in a position to exercise decisive influence and take measures to realise those rights – by contributing to the advancement of the UN Tax Convention (cf. [Human Rights Watch 2025](#)) and by implementing international cooperation needed for the timely and methodical detection of tax-related illegal financial flows.

8. ISSUE: Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) impairs access to affordable medicines

ICESCR: Articles 2 (1), 12, 23

Concluding observations on the [sixth periodic report](#): Recommendations No. 14 and 15

QUESTION:

Is the German Government aware of the negative impact of its strong pressure for upholding intellectual property rights for medicines on the human right to health? Why is the federal government not committed to ensuring that research and production costs as well as pricing are made transparent? What does the German Government do to fulfil its international core obligations under article 12 of the Covenant?

EXPLANATORY NOTE:

As elaborated in the General Comments (No. 14, [E/C.12/2000/4](#)), to comply with their international obligations in relation to article 12 of the Covenant, “states parties have to respect the enjoyment of the right to health in other countries, and to prevent third parties from violating the right in other countries, if they are able to influence these third parties by way of legal or political means, in accordance with the Charter of the United Nations and applicable international law” (para. 39).

Germany has historically been a strong advocate for upholding intellectual property rights and has used its negotiation powers to reinforce them on global level at WHO and WTO. The [TRIPS Agreement](#) raises major problems in developing countries when little or no advantage is taken of existing flexibility due to power imbalances and administrative hurdles.

The German Government enforces 20-year product patents on pharmaceuticals (in accordance with the TRIPS Agreement). As patent holders have certain exclusive rights to use and commercially exploit their intellectual property, this monopoly on pharmaceutical

products puts human lives at risk. The lack of competition creates a bottleneck in the production of patented drugs, vaccines, and diagnostics, instead of allowing other companies to produce generic products to meet high global demand. The market monopoly also means that patent holders can set prices as high as they want. As a result, important innovations remain unaffordable for many countries in the Global South due to patents, thereby denying them access to new and necessary medicines. The current pharmaceutical system benefits additionally from the fact that neither research and production costs nor pricing are transparent in Germany. Insofar as patients suffer or die because willing and able generic manufacturers are prevented by law from selling them the medicines they need, the governments that internationally push such regulation, nationally adopt or enforce these laws are violating the patients' human rights.

9. ISSUE: The WHO Pandemic Agreement and access to essential medicines

ICESCR: Articles 2 (1), 12, 23

Concluding observations on the [sixth periodic report](#): paras. 14 and 15

QUESTION:

Is the federal government fully committed to working towards a fair design of the WHO Pandemic Treaty (in particular Article 12 Pathogen Access and Benefit Sharing system included in this treaty as an Annex) that takes into account the right to health of all people around the world? How will the federal government ensure that countries in the Global South also have simultaneous access to important countermeasures from German pharmaceutical companies in the event of a pandemic?

Does the federal government believe that 20% of real time production of safe, quality and effective vaccines, therapeutics, and diagnostics for the pathogen causing the pandemic emergency of manufacturers, distributed by the WHO, is sufficient to give special attention to the needs of developing countries, taking into account that access to essential medicines is part of the core obligations?

EXPLANATORY NOTE:

The countries of the Global South will once again be at a disadvantage and human lives at risk in the event of a future pandemic. While the member states of the World Health Organisation (WHO) adopted the [Pandemic Agreement](#) in May 2025, important questions regarding the specific obligations relating to equitable access to medicines and vaccines have not yet been clarified. This situation has arisen because there has been no agreement between the WHO member states on fair compensation for the sharing of genetic resources of pathogens to date.

This needs to be seen considering the fact, that in its General Comment No. 3 and [General Comment No. 14](#), the Committee confirms that States parties under Article 12 of the Covenant "have a core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights enunciated in the Covenant, including essential primary health care" (para. 43). These core obligations include among others to provide essential drugs, as defined under the [WHO Action Programme on Essential Drugs](#).

If no solution to this problem can be found in the near future, the Pandemic Treaty cannot be ratified and enter into force. Therefore, low-income countries will once again be delayed in gaining access to essential vaccines, diagnostics and medicines. The German government,

which favoured the interests of the pharmaceutical industry in the negotiations at the WHO by demanding, for example, voluntary technology transfer for manufacturers, played a significant role in the failure to reach a consensus on an agreement that would ensure a globally equitable distribution of medicines and vaccines in accordance with international human rights obligations.

10. ISSUE: International recruitment of nurses and health personnel from countries that themselves have a shortage of such personnel

ICESCR: Articles 2 (1), 12, 23

Concluding observations on the [sixth periodic report](#): Recommendation No. 49

QUESTIONS:

Is the federal government aware of the problem that international recruitment of health professionals is restricting the right to health care of citizens in the countries from which these skilled workers have been recruited? How does the federal government guarantee ethical recruitment in accordance with the World Health Organization's Global Code of Practice on the International Recruitment of Health Personnel, and which steps are taken to secure increased capacity building and recruitment within Germany? Which benefits does the federal government give in return to the country of origin for recruiting their health personnel? Why doesn't the federal government regulate private recruitment agencies in Germany and ratify ILO's Private Employment Agencies Convention (C181)?

EXPLANATORY NOTE

In order to guarantee the right to health for every individual worldwide, functioning healthcare systems with sufficient numbers of well-trained, well-equipped and motivated healthcare workers are required. According to the World Health Organisation (WHO), however, there is a shortage of up to 11 million healthcare professionals in addition to the current workforce in order to achieve universal health coverage by 2030. This shortage affects Africa, the Middle East, and Southeast Asia in particular.

As a result of the global shortage, an international competition for healthcare professionals is developing in which Germany participates. For over 10 years, the German government has been promoting state recruitment programmes for healthcare professionals from abroad. In the recruitment programmes run by the federal government, such as 'Triple Win', via bilateral agreements with the Federal Employment Agency or via the Federal Ministry of Health's 'Fair Recruitment of Nursing Care Germany' funding programme, nurses are currently being actively recruited in eleven countries: Bosnia-Herzegovina, Brazil, El Salvador, India (here: the state of Kerala), Indonesia, Jordan, Colombia, Mexico, the Philippines, Tunisia and Vietnam. The German government's recruitment initiatives aim at improving the right to health care in Germany, and they can provide improvements for the recruited skilled workers. However, they lose sight of the right to health and care in the countries from which staff are recruited. And contrary to the WHO [Global Code of Practice on the International Recruitment of Health Personnel](#), the countries of origin do not necessarily benefit from these government programs. On the contrary, they are suffering from an increased shortage of skilled labour in their health systems. Serbia is only one concrete example, where state and private recruitment efforts from Germany have led to an increasing shortage of qualified personnel.

In some rural areas, basic health care facilities already had to be closed (see Julia Stoffner, “International Recruitment Requires Ethical Guidelines,” in: [Brot für die Welt 2025](#): 50-54).

The German Government also has an extraterritorial obligation to protect people from human rights threats emanating from non-state actors and must therefore regulate increasing recruitment activities of German private recruitment agencies and ratify ILO’s [Private Employment Agencies Convention](#) (C181).

11. ISSUE: Rights of Peasants; Implementation of the UN Declaration on Rights of Peasants and other people working in rural areas (UNDROP)

ICESCR: Articles 3, 7, 8, 9, 11, 12, 13, 15

Concluding observations on the sixth period report: n/a

QUESTION:

How and when does Germany plan to develop strategies for the realization of UNDROP as part of its external economic, trade and agricultural policy?

EXPLANATORY NOTE:

Fifty percent of the food consumed globally is produced by peasants cultivating less than 10 hectares of land, as well as by small-scale fisheries, pastoralists and other small-scale producers in rural areas. Nevertheless, 80 percent of the world's hungry population live in rural areas, 60 percent of whom are women. This highlights the structural discrimination faced by these groups with regard to access to land, water, seeds, and other natural, social, cultural, and economic resources, particularly in the Global South.

To change this, the global peasants’ movement has successfully developed and advocated for the adoption of [UNDROP](#), which clearly affirms that States should ensure that their agricultural, economic, social, cultural and development policies are coherent with the realization of the rights it sets out (Article 15 [5]). It also recognizes the importance of international cooperation in support of national efforts for the realization of the rights set out in the UNDROP (Article 2 [6]). One core principle is the meaningful participation of peasants in development and implementation of strategies. In its [General comment No. 26](#) on the right to land, the CESCR itself has highlighted the significance of UNDROP in regard to the realization of that right for peasants and their communities by states.

Until today, the German Government not only hasn’t developed a strategy how to implement the UNDROP, but it even promotes contradictory projects in development cooperation, agrarian and foreign trade promotion, ignoring human rights based approaches. Examples are:

- the governmental “[Germany Trade and Invest](#)” and [agricultural export promotion](#) programmes which aim to opening up foreign markets and promote export of food and related products in countries of the Global South while ignoring negative impacts on peasant farmers in the target countries;
- the governmental program of [foreign business insurance](#), which grants guaranties for credits and exports provided by German banks and companies for large scale mining and infrastructural projects in the Global South, which continuously contribute or are linked to human rights violations of people living in rural areas;

- programs of the [German ministry on economic cooperation and development](#) to digitalize agriculture, which foster discrimination of peasants since they often lack sufficient infrastructure and means to access such data. Beyond this, the programmes focus on increasing agricultural productivity as a means of combatting hunger. It has been proven time and again that this goal cannot be achieved without a rights-based approach to combatting discrimination.

Furthermore, being permanently represented in the Boards of Governors of the World Bank, Germany is responsible for the bank's support of large scale projects, many of which lead to human rights violations of rural communities which have been documented in various cases and countries, for example by the [Bretton Woods Project](#).

12. ISSUE: Human rights obligations to regulate financial undertakings

ICESCR: Articles 7, 8, 11, 12

Concluding observations on the [sixth periodic report](#): Recommendations No. 7, 8 and 17

QUESTION:

How does Germany make sure that financial undertakings under its jurisdiction – particularly those which act abroad – don't violate their obligations under the Covenant?

EXPLANATORY NOTE:

According to the Report "[Dirty Profits 9](#)" published by the NGO *Facing Finance* in 2022, fourteen German banks and insurance companies have a financing and investment volume totalling around 46.6 billion Euros in companies in the mining, agriculture, arms, and energy sectors, which are involved in human rights abuses and environmental destruction. Further German financial undertakings have contributed to human rights violations by investing in micro-credit agencies, which take away the basis of existence of their borrowers through horrendous interest rates, or companies engaged in illegal land grabbing abroad. Those cases are probably just the tip of the iceberg since financial undertakings in Germany are not obliged to investigate and disclose human rights risks of their business partners or investments, although their loans and investments often contribute or are linked to human rights violations of business companies. These issues also concern international financial institutions and pension funds, which are public law institutions. Known cases are mainly those promoted by the German Government like credits and investments either through foreign trade and investment promotion or through donor policies on economic cooperation and development. Voluntary statements of intent and commitments to global standards are proving to be ineffective in these and many other instances.

Lack of sufficient binding regulation of financial undertakings to prevent human rights abuses and to protect communities from human rights violations is evident in two policy areas:

- 1) Human Rights Due Diligence in global value chains: The German government excludes the core business of financial undertakings from the area of application of the German [Act on Corporate Due Diligence Obligations in Supply Chains](#), arguing that only upstream trade and service relations are covered by that law, while provisions of credits, investments, assurances, pensions, etc. are downstream services. The EU [Corporate Sustainability Due Diligence Directive](#) (EU CSDDD) contains a two-year review clause for the financial sector, and even this is to be deleted. There is proof of how the German Ministry of Finance has

opened its doors for financial associations and has fed their one-sided interests and objectives into the legislative process to be exempted from legal obligations by the law.

- 2) Foreign trade and investment promotion, particularly with regard to raw material security: To sustain sufficient raw materials supply for the German industry, the government offers banks the possibility of insuring loans to mining companies on the condition that the raw materials extracted are exported to Germany. Although the government says that the UNGP, the IFC's Performance Standards and the OECD's Common Approaches are important criteria for granting guarantees, many examples show that raw material interests are given greater weight than compliance with human rights obligations. Furthermore, the government is squandering its leverage through weak contract design with the guarantee recipients.

In its Report ([A/HRC/56/55](#) of 2 May 2024) to the 56th session of the Human Rights Council, the UN Working Group on the issue of human rights and transnational corporations and other business enterprises demands that States integrate human rights due diligence into all financing decisions requiring investors to embed human rights into policies and strategies.

In its [Concluding observations on the sixth periodic report of Sweden](#), the CESCR recommended “that the State party fully exercise its regulatory powers [on pension funds] and other investors acting abroad” (para. 12). Germany has exactly the same responsibility.

13. ISSUE: Negative impacts of digitalization projects

ICESCR: Articles 7, 8, 11, 12

Concluding observations on the sixth periodic report: n/a

QUESTION:

How does Germany ensure that human rights are guaranteed in digitalization projects, especially for indigenous people and other marginalized groups in development aid programmes?

EXPLANATORY NOTE:

As part of its development cooperation, Germany increasingly supports digitalization projects, including digital land registries, agricultural data systems, and social protection systems. While these projects aim to improve efficiency and transparency, they often fail to incorporate adequate human rights safeguards, particularly for marginalized groups such as indigenous peoples, small-scale farmers, and women.

In countries such as Senegal, Cambodia and Georgia, where Germany funds digital land registries, customary and collective land rights are often insufficiently protected. Many digital systems recognize only formal land titles, rendering other forms of tenure invisible and contributing to land insecurity, forced evictions, and land concentration. Without strong legal safeguards and inclusive participation, such projects risk legitimizing land grabs and exacerbating inequalities.

Digital tools used in agriculture and social services frequently exclude those with limited internet access, digital literacy, or proper devices. Affected communities are often not meaningfully consulted, raising concerns about the lack of free, prior and informed consent (FPIC) and the marginalization of traditional knowledge systems. Data from rural communities is sometimes collected without informed consent and used in ways that do not benefit them.

Moreover, the expansion of digital systems can lead to the privatization of public services and agricultural knowledge, weakening public institutions. Private tech companies increasingly influence food and land governance without sufficient democratic oversight. Digital identification systems tied to welfare access risk excluding undocumented people and undermining their right to food, health, or social security.

Overall, the push for digitalization in land and agriculture threatens to deepen existing power imbalances unless it is firmly anchored in human rights principles and developed with the meaningful participation of affected communities. We therefore recommend that Germany adopt a binding human rights due diligence framework for all digital development cooperation, including specific provisions on land, food systems, and access to services.

14. ISSUE: Development aid, development finance institutions and instruments

ICESCR: Article 11 (Right to an adequate standard of living)

Concluding observations on the [sixth periodic report](#): Obligations of a State party under the Covenant as a State member of international financial institutions (paras. 16-17)

QUESTIONS:

How does Germany ensure that the activities of international financial institutions of which Germany is a member do not lead to violations of obligations under the Covenant by the States which borrow the money? To what extent and how is Germany planning to create more transparency and consistency in its development aid and foreign trade promotion?

EXPLANATORY NOTE:

As a significant shareholder in the World Bank and other multilateral development banks (among others AsDB, AIIB, AfDB) as well as its own development banks (KfW, DEG), Germany holds a critical responsibility in ensuring that these institutions align with the extraterritorial obligations of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Germany must leverage its voting power and influence within the governance structures of these institutions to ensure that development projects respect human rights and do not exacerbate poverty or social inequality.

In particular, Germany should advocate for accountability mechanisms that are accessible, independent, and capable of providing timely and meaningful redress to individuals and communities negatively affected by development interventions (right to remedy). Furthermore, it is essential that these mechanisms and environmental and social standards, respectively, cover all financial instruments. More and more funding involves private entities and is provided through indirect lending instruments such as trade finance: Over 50% of the International Finance Corporation's (IFC) portfolio consists of trade finance products, with resulting business activities not being covered by IFC Performance Standards (see Urgewald 2025: [Unequal Support: Rethinking the IFC's Trade Finance Priorities](#)).

According to CESCR [General comment No. 24](#) (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, "these developments give particular significance to the question of extraterritorial human rights obligations of states" (para. 25). Germany bears responsibility for promoting the adoption and implementation of strong environmental and social standards that prevent harm before it occurs, and responsibility to "provide access to effective remedies" (para 40).

The ongoing [review of the IFC Performance Standards](#) (including IFC Sustainability Policy, and Access to Information Policy) provides an important window of opportunity, since the outcome will have far-reaching implications beyond the IFC itself, as these standards are widely used by other development banks and financial institutions globally. A positive development in this context is the recent introduction of the [Interim Approach to Remedial Action](#) by the IFC, which – for the first time among MDBs – establishes a structured approach to delivering remedy to communities harmed by IFC-financed projects. Germany should ensure that the implementation of this framework is adequately monitored and resourced as well as mainstreamed in other MDBs in which Germany is a shareholder.

In light of these responsibilities, it is worth considering a stronger parliamentary oversight of Germany's participation in multilateral financial institutions to ensure that public funds are used in line with development policy goals and human rights obligations.

15. ISSUE: Human rights of future generations

ICESCR: Articles 11, 12 and others

Concluding observations on the sixth period report: n/a

QUESTION:

What is the German government doing to protect the economic, social and cultural rights of future generations?

EXPLANATORY NOTE:

The German government has a binding obligation to respect, protect, and fulfill the human rights of both present and future generations within its jurisdiction, territorially and extraterritorially. This includes ensuring the long-term availability of essential resources such as water, air, soil, and a stable climate – key elements for realizing the human rights to food, health, a clean environment and an adequate standard of living.

Germany has committed itself to intergenerational justice through its Constitution (Article 20a), its national sustainability strategy, and its climate legislation. However, scientific bodies such as the WBGU and civil society organizations have criticized the lack of effective measures to address the long-term impacts of climate change, biodiversity loss, environmental pollution and land degradation. Recurring droughts and rising temperatures increasingly affect water availability and quality, posing a threat to agriculture and ecosystems, while soil degradation and chemical contamination reduce land fertility. These environmental harms, along with the cumulative health effects of pollution, disproportionately put at risk the enjoyment of the economic, social and cultural rights of future generations.

In its Order of 24 March 2021 ([1 BvR 2656/18](#), English version), the First Senate of Germany's Federal Constitutional Court ruled that the Climate Protection Act of 2019 was partially unconstitutional, since it placed disproportionate burdens on younger and future generations. The Court emphasized that the state must take specific measures to reduce greenhouse gas emissions to uphold fundamental rights under the Constitution, including the right to life and physical integrity (Article 2 [2] GG).

The Maastricht Principles on the Human Rights of Future Generations reinforce the duty of states to safeguard the rights of future generations: To ensure intergenerational justice, it is essential to clarify what legal and institutional mechanisms exist to facilitate youth and child

participation in decision-making. States must prevent corporations and other non-state actors from engaging in activities that pose foreseeable risks to future generations territorially and extraterritorially. Moreover, Germany must demonstrate how it aligns its climate, agricultural, and environmental policies with its human rights obligations under the Covenant. A human rights-based approach should include legal recognition of the human rights of future generations, the use of intergenerational impact assessments, the application of the precautionary principle and the principle of common but differentiated responsibilities, and the establishment of accountability mechanisms to ensure that today's decisions do not compromise the rights and well-being of tomorrow's generations.

In its [General comment No. 26](#), the UN Committee on the Rights of the Child directly recognised the relevance of the concepts of future generations and intergenerational equity to the realisation of children's rights. The General Comment sets out a number of obligations and implementation measures related to the best interests of the child. This includes opportunities for participation in decision-making, but also the requirement that States should take into account the possibility – for example through intergenerational impact assessments – that environmental decisions which seem reasonable individually and on a shorter timescale can become unreasonable in aggregate and when considering the full harm that they will cause to children throughout their life courses.

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