Questions for States - further information on the subject of State-based non-judicial grievance mechanisms

With a view to implement the mandate provided by the Human Rights Council in Resolution 32/10, and with the overall aim of supporting States in their efforts to implement Pillar III of the UN Guiding Principles on Business and Human Rights, the scoping paper identifies a number of issues that would benefit from further information and clarification with regard to the effectiveness of State-based non-judicial grievance mechanisms. OHCHR therefore respectfully invited States to provide any further information on the subject of State-based non-judicial grievance mechanisms, including but not limited to information on one or more of the following questions:

1. What State-based non-judicial mechanisms (“State-based NJMs”) have been established within your State’s jurisdiction that are potentially relevant to business respect for human rights? Explanatory notes: (i) For the purposes of this call for input, State-based NJMs are State agencies, other than courts, which (a) handle complaints by individuals about business activities and/or (b) resolve disputes between individuals and business enterprises). (ii) Examples could include labour inspectorates, consumer dispute resolution bodies, environmental ombudsmen, equality bodies, NHRIs, and other specialist agencies.

2. What practical measures have these State-based NJMs taken to (a) improve their accessibility to persons who may be at risk of vulnerability or marginalisation or (b) ensure the safety of people who may be at risk of threats and/or intimidation?

3. What kinds of fact-finding and investigatory powers do these State-based NJMs have? To what extent can these State-based NJMs investigate complaints and disputes on their own initiative?

4. Do these State-based NJMs have any functions or powers in respect of adverse business-related human rights impacts in other States? Or is their jurisdiction limited to impacts within the territory of the State in which it is based?

5. What kinds of remedies can these State-based NJMs offer to people whose human rights have been adversely impacted by business activities? Are these remedies legally binding? In deciding which remedies are appropriate, to what extent do these State-based NJMs take account of the needs of (a) people who may be at risk of vulnerability or marginalisation or (b) people who may be at risk of threats and/or intimidation?

For questions or comments relating to the Accountability and Remedy Project, please contact Ms. Lene Wendland at business-access2remedy [at] ohchr.org.