



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9323 • FAX: +41 22 917 9008 • E-MAIL: wg-business@ohchr.org - registry@ohchr.org

Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Questionnaire for States regarding Access to Remedy in relation to Business-related Human Rights Abuses

This questionnaire focuses on the duty of States to provide access to effective remedy for rights-holders affected by business-related human rights abuses. It primarily relates to Pillar III of the UN Guiding Principles on Business and Human Rights (UNGPs), which have become the authoritative global reference point for preventing and addressing adverse impacts on human rights arising from business-related activity.

Principle 25 of the UNGPs provides that “States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.” Commentary to this principle further provides that remedies “may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition.”

The UNGPs envisage a role for three broad categories of mechanisms in providing effective remedy to affected individuals and communities: state-based judicial mechanisms, state-based non-judicial grievance mechanisms, and non-state-based grievance mechanisms.

The input on this questionnaire will inform the forthcoming report of the Working Group on the issue of human rights and transnational corporations and other business enterprises to be presented to the UN General Assembly in October 2017. The questionnaire covers a range of access to remedy-related issues relevant for the report.

Please email the response to wg-business@ohchr.org by **15 June 2017**. (Please indicate “A2R QUESTIONNAIRE” in the subject line.)

Unless indicated otherwise, the responses received will be posted on the Working Group’s website.

Questionnaire

Specific Questions

1. Does the Constitution or domestic laws of your country recognise the right to an effective remedy for violation of human rights? If yes, please provide details.
2. How would you rate on a scale of 1 to 5 (1 being not effective, and 5 being highly effective) the “effectiveness” of available remedies in your jurisdiction for business-related human rights abuses?
3. Please provide information about the types of remedies (e.g., compensation, injunction, criminal prosecution, administrative fine, public apology) available under different domestic laws for business-related human rights abuses.
4. What steps have been taken (or are being planned for the future) to strengthen access to remedy for business-related human rights abuses subsequent to the endorsement of the UNGPs in June 2011 and the June 2016 report of the OHCHR on “improving accountability and access to remedy for victims of business-related human rights abuse” (A/HRC/32/19)?
5. If a business enterprise incorporated or domiciled in your jurisdiction caused, contributed to, or was directly linked to human rights abuses overseas, please indicate whether access to remedy mechanisms are available in your jurisdiction to redress such extraterritorial abuses?
6. Are rights-holders consulted while establishing or reforming mechanisms aimed at providing remedy for business-related human rights abuses? If so, please provide information as to the processes adopted.
7. Please share information whether the unique experiences and expectations of groups who may be particularly vulnerable to human rights abuses, such as children, women, people with disabilities, migrant workers, and indigenous peoples are taken into account in providing for access to effective remedy for business-related human rights abuses.
8. Are civil society organisations and human rights defenders assigned any specific role in your jurisdiction for facilitating access to effective remedy in cases related to business-related human rights abuses? If yes, please provide information.

Other Comments and Suggestions

9. Please provide any additional comments, suggestions or information which you think may be relevant for the Working Group’s forthcoming report on access to effective remedy for business-related human rights abuses, or for strengthening access to remedy generally.