

Questionnaire for Open Process

WELCOME to the OHCHR's Open Process questionnaire for stakeholders about State-based non-judicial mechanisms relevant to business respect for human rights ("State-based NJMs"). **THANK YOU** for taking the time to complete this short survey. This survey is open to all stakeholders. Your contribution is a vital part of our information-gathering exercises for our programme of research on accountability and access to remedy using State-based NJMs (Accountability and Remedy Project II), which has been mandated by the Human Rights Council [resolution 32/10](#). The information provided will be aggregated to reflect stakeholder contributions and geographic distribution. The responses provided will not be made public and the names of individual responders will be kept confidential. The questionnaire is also available on the following website: <http://tiny.cc/ARP2opq>. The deadline for filling out the questionnaire is **15 September 2017**.

There are seven questions below, together with some guidance notes.

We value all contributions and you can answer as few or as many questions as you like.

Q1. Which State would you like to provide information about?

Q2. If a person wishes to complain about, or resolve a dispute about, business activities that they believe have had an adverse impact on their human rights, what kinds of State institutions or agencies **other than judicial mechanisms (i.e. courts)** could they approach?

Note: State-based NJMs can be relevant to business respect for human rights even if their activities are not framed explicitly in human rights terms. Therefore, in answering this question you might consider State institutions or agencies that could potentially be helpful in resolving complaints about breaches of:

- labour rights;
- consumer rights;
- environmental rights;
- privacy rights;
- public safety standards;
- standards of service to the public;
- decision-making procedures (e.g. relating to grants of licences by domestic regulatory bodies, development approvals, etc.); or
- rights of people to be consulted and informed about business activities or plans.

Q3. For each or any of the State-based NJMs that you have identified under Question 2 above, could you tell us more about

- a) how complaints are initiated and the procedural stages involved in resolving a dispute;
- b) the powers of the relevant mechanism to (i) ensure disclosure of relevant facts and materials, and/or (ii) carry out investigations on its own initiative; and
- c) the kinds of remedies it can offer to people whose human rights have been adversely impacted by business activities.

Q4: Do any of the institutions or agencies you have identified have the power to receive complaints or resolve disputes in relation to business-related human rights impacts in **other** countries? If so, which?

Q5: Please discuss your own experiences in using State-based non-judicial mechanisms (i.e. State institutions and agencies other than courts) to seek remedies for adverse business-related human rights impacts.

Note: We would be particularly interested to know about:

- the **background** to your complaint or dispute;
- the **factors that influenced your choices** about how best to resolve your complaint or dispute (e.g. costs, location, the resources available to you, confidentiality needs, and the remedies the mechanism was available to offer).
- the **eventual outcomes** (i.e. What remedies did you obtain? Did you achieve the outcome you were hoping for? How long did it take to complete the process?).

Q6: Please use the space below to provide us with any further comments, information or suggestions about:

- a) the availability, performance or effectiveness of State-based NJMs as a means of resolving business and human rights-related complaints or disputes;
- b) measures in place to ensure accessibility to persons who may be at risk of vulnerability or marginalization or who have limited financial resources;
- c) measures in place to ensure the safety of people who may be at risk of threats, retaliation or reprisals; and
- d) how these State-based NJMs could be improved.

Q7: Would you be happy for us to contact you, if needed, for research purposes?

If so, please could you complete the contact form below:

Name of stakeholder: _____

Type of stakeholder (State, Government agency, NGO, Business enterprise, other.):

Contact:

e-mail: _____

phone no: _____

skype: _____