**ARP III Open Process Questionnaire**

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| Welcome to OHCHR's Open Process Questionnaire for Part III of the Accountability and Remedy Project (ARP III). The aim of ARP III is to develop credible, workable and practical recommendations to enhance the effectiveness of non-State-based grievance mechanisms dealing with business-related human rights harms. This project focuses particularly on company-based grievance mechanisms, mechanisms developed by multi-stakeholder initiatives, and mechanisms associated with development finance institutions. Further information on ARP III and the types of grievance mechanisms to be evaluated can be found in OHCHR’s paper on scope at: https://www.ohchr.org/Documents/Issues/Business/ARP/ARPIII-PoW.pdf.  The work on ARP III will continue until early 2020. At the conclusion of ARP III, OHCHR will submit a report to the Human Rights Council to be considered at its June 2020 session which will set out a number of recommendations. While these recommendations will be addressed primarily to States, companies, and others responsible for the design and administration of non-State-based grievance mechanisms, they can also be drawn upon by a range of other stakeholder groups with an interest in the effectiveness of these mechanisms, such as civil society organisations, trade unions, legal practitioners, human rights defenders, and, of course, the people for whose use the mechanisms are intended.  This survey is open to each and any of these stakeholders, as well as all other members of the public who have knowledge of and/or experience with such mechanisms. This short Open Process Questionnaire seeks to gather initial input on key questions to feed into ARP III, which will be used to inform and guide OHCHR’s future work. This will be followed up by targeted information-gathering activities, involving a range of different stakeholder groups.  We value all contributions, and you may answer as few or as many questions as you like.  ALL RESPONSES PROVIDED WILL BE KEPT CONFIDENTIAL.  To find more information on the different parts of the Accountability and Remedy Project, please visit: https://www.ohchr.org/EN/Issues/Business/Pages/OHCHRaccountabilityandremedyproject.aspx. |

**Information on the non-State-based grievance mechanism(s) you would like to tell us about**

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| Not all questions below will be relevant; please answer in the manner you think is most appropriate. There is space to provide information about cases / incidents that have been referred to non-State-based grievance mechanisms and about particular mechanisms or categories of mechanisms more generally. Extra space is provided at the end of the questionnaire to share general comments as well as relevant studies and resources.  Note: Descriptions of the types of mechanisms that will be focused on for ARP III can be found on pages 13-17 of our paper on scope: https://www.ohchr.org/Documents/Issues/Business/ARP/ARPIII-PoW.pdf. |

1. **Which category (or categories) of non-State-based grievance mechanism(s) would you like to provide information about?**

*Check all that apply.*

Company-based grievance mechanism (i.e., mechanism established and administered by a company)

Grievance mechanism developed by an industry, multi-stakeholder, or other collaborative initiative (i.e., mechanism 'external' to a company that administers a set of commitments that the company has agreed to adhere to)

Grievance mechanism associated with a development finance institution (i.e., mechanism through which a person adversely affected by an institution-financed project can raise a complaint with the financial institution itself)

Other:

1. **Please provide further detail about the type of mechanism (e.g., whether it is an operational-level grievance mechanism, industry-specific mechanism, independent accountability mechanism, etc.).**
2. **If possible, could you please provide further information to help us to identify the mechanism (e.g., the name of the mechanism or the entity responsible for administering it)?**

*Note: This information will be kept confidential, though you are free to omit it*

1. **In what State is the mechanism located?**

*Note: This information will be kept confidential, though you are free to omit it*

1. **Does the mechanism relate to a specific sector (or sectors)? If so, which?**

*Check all that apply.*

Apparel & textile

Agriculture/food/beverage/tobacco/fishing

Natural resources

Construction & building materials

Finance

Military/Weapons/Security

Technology

Other:

1. **Please provide a web link to the mechanism.**

*Note: This information will be kept confidential, though you are free to omit it*

1. **Would you like to tell us about a particular case / incident that has been referred to a non-State-based grievance mechanism?**

*Note: As noted in the introduction, responses will be kept confidential.*

Yes

No (select if you want to provide information only of a general nature)

**Information on a particular case / incident**

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| This section is for those who selected “Yes” for question 7. If you selected “No” for question 7, please proceed directly to question 17.  The aim of this section is to gather information on the performance of non-State-based grievance mechanisms with respect to specific cases or incidents rather than on non-State-based mechanisms more generally. Beyond providing useful data, your responses will help OHCHR identify potential case studies for further research.  Not all questions below will be relevant; please answer in the manner you think is most appropriate. |

1. **Please tick the box (or boxes) that best describes the nature of the grievance.**

*Check all that apply.*

Abuse of labor rights (e.g., discrimination, workplace safety, payment of wages, etc.)

Modern slavery (e.g., trafficking, forced labor, etc.)

Abuse of property rights (e.g., forced eviction, loss of land/property, etc.)

Physical violence / abuses of right to health

Abuse of environmental rights (e.g., access to water, pollution, etc.)

Other:

1. **Please provide any further details regarding the grievance (and any links to more information).**
2. **What were the factors that led to the use of this mechanism?**

*Check all that apply.*

Quicker, cheaper, or easier to access than State-based mechanisms (e.g., courts, NHRIs, etc.)

Simpler process than State-based mechanisms

The issue lent itself to resolution by a non-State-based grievance mechanism (e.g., because it did not amount to a legal cause of action)

There were no other options available for resolving the grievance

Insufficient resources (e.g., financial resources) to access other mechanisms

Believed that alerting the company would stop / prevent future abuses

The mechanism could provide an effective remedy

The mechanism was suggested by a third party (e.g., NGO)

Other:

1. **If you would like to further explain your choice(s) above, please do so here.**
2. **Were there any concerns or challenges with using this mechanism? If so, please indicate which ones.**

*Check all that apply.*

Lack of independence from those responsible for harm

Lack of transparency or predictability of process

Fear of retaliation

The issue lent itself to resolution by a State-based mechanism (e.g., because of the gravity of the harm)

Concern that using the mechanism might foreclose the ability to use a State-based mechanism (e.g., the non-State-based grievance mechanism required a waiver of rights to access a State-based mechanism)

The mechanism could not provide an effective remedy

Other:

1. **If you would like to further explain your choice(s) above, please do so here.**
2. **What remedial outcomes were sought by the person (or persons) raising the grievance?**

*Check all that apply.*

Financial compensation

Preventative process (e.g., guarantee of non-repetition, increased safeguards, etc.)

Non-financial remedy (e.g., restoration of taken property, etc.)

Termination / suspension of business relationship (e.g., revocation of certification or membership in an association)

Investigation

Other:

1. **Please provide any further details regarding the outcome that was sought or obtained (and any links to more information). For instance, did those raising the grievance consider the matter to be successfully resolved? If not, why not?**
2. **Is there any additional information you would like to share (e.g., whether any follow up was done to assess the satisfaction of users with any outcome(s), how this was done, and by whom)?**

**General Information**

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| Feel free to answer as few or as many questions as you like. |

1. **Who is entitled to raise a grievance through this mechanism?**
2. **What types of grievances can be referred to the mechanism (e.g., workplace harassment, labor rights, human rights more generally, etc.)?**
3. **What steps are taken to ensure that the existence of the mechanism and its processes are well publicized to those stakeholder groups for whose use they are intended?**
4. **What steps are taken to ensure that those who may use the mechanism can easily access the mechanism and can readily understand and engage with its procedures?**

*Note: We are especially interested in innovations that have been used to address the challenges of people living in remote areas (particularly those without internet access), to improve physical access and user-friendliness of the mechanism (particularly when used by those who may be at heightened risk of vulnerability or marginalization) and to overcome language barriers.*

1. **Are there any preconditions to using the mechanism (e.g., a waiver of rights to pursue the matter elsewhere)?**
2. **What measures are taken to ensure that actual and potential users, their friends and family, human rights defenders, and others are protected from retaliation or intimidation?**

*Note: We are particularly interested in innovative practices and new technologies that increase safeguarding*.

1. **What involvement (if any) do affected stakeholder groups have in the design of the mechanism?**
2. **What involvement (if any) do affected stakeholder groups have in the operation of the mechanism?**
3. **What kind of remedies are potentially available through this mechanism (e.g., financial compensation, restoring livelihoods or property, future compliance and prevention programmes, apologies, etc.)?**
4. **What involvement (if any) do affected stakeholder groups have in the selection, design or implementation of remedies?**
5. **What steps are taken to ensure that outcomes are implemented properly and in a timely manner?**
6. **What steps are taken to ensure that lessons learned from grievance processes are reflected in the future human rights due diligence of the company (or companies) concerned?**
7. **Do you have any suggestions for how to improve the effectiveness of the mechanism?**
8. **Does the mechanism coordinate with other non-State-based grievance mechanisms or State-based grievance mechanisms when these other mechanisms could also be used to address the same grievance (e.g., by sharing investigatory functions or evidence)? If so, please provide information on the nature of this coordination.**
9. **We are interested to learn about the different ways in which governments may have supported or required the establishment of non-State-based grievance mechanisms. Does the government of the country where this mechanism is based have any formal connection with the mechanism or provide any guidance relevant to how the mechanism operates? Is the establishment of this mechanism a requirement under any regulatory regime? If you have any information on these questions or other similar questions, please share here.**

**Respondent information**

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| All personal information will be kept strictly confidential, and you may omit any information you feel uncomfortable sharing. |

1. **Your name.**

*Note: This information will be kept confidential, though you are free to omit it*

1. **What type of stakeholder group do you represent?**

(Potential) User

Business

Operator or administrator of grievance mechanism

Non-governmental organization

Trade union

Government official

Legal practitioner

Academic researcher

Mediator

Other:

1. **Name of your organization.**

*Note: This information will be kept confidential, though you are free to omit it*

1. **In what State are you located?**

*Note: This information will be kept confidential, though you are free to omit it*

1. **Contact email address.**

*Note: This information will be kept confidential, though you are free to omit it*

1. **Would you be happy for us to contact you, if needed, for research purposes?**

Yes

No

**Additional Information**

1. **Please share any other information here that you did not have space for above.**
2. **If you would like to share general reflections or viewpoints on the use and / or role of non-State-based grievance mechanisms generally, please do so here.**
3. **If you would like to share any publications or resources covering non-State-based grievance mechanisms, please do so here.**