



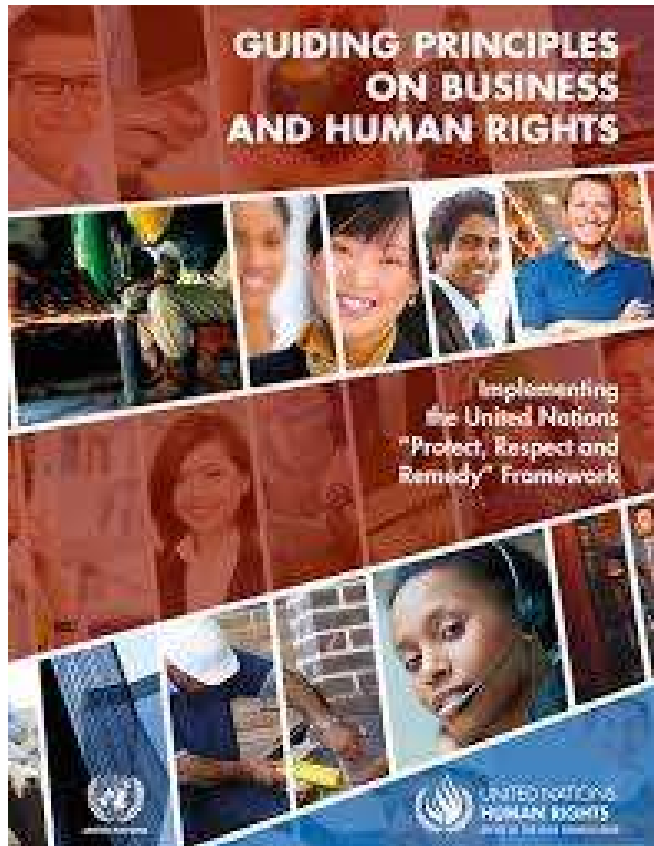
UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

International Expert Group Meeting

Indigenous Peoples, Business, Autonomy and the Human Rights Principles of Due Diligence, including Free, Prior and Informed Consent

The UN Guiding Principles, Access to Remedy and Indigenous Peoples

Luis Rodríguez-Piñero Royo, OHCHR

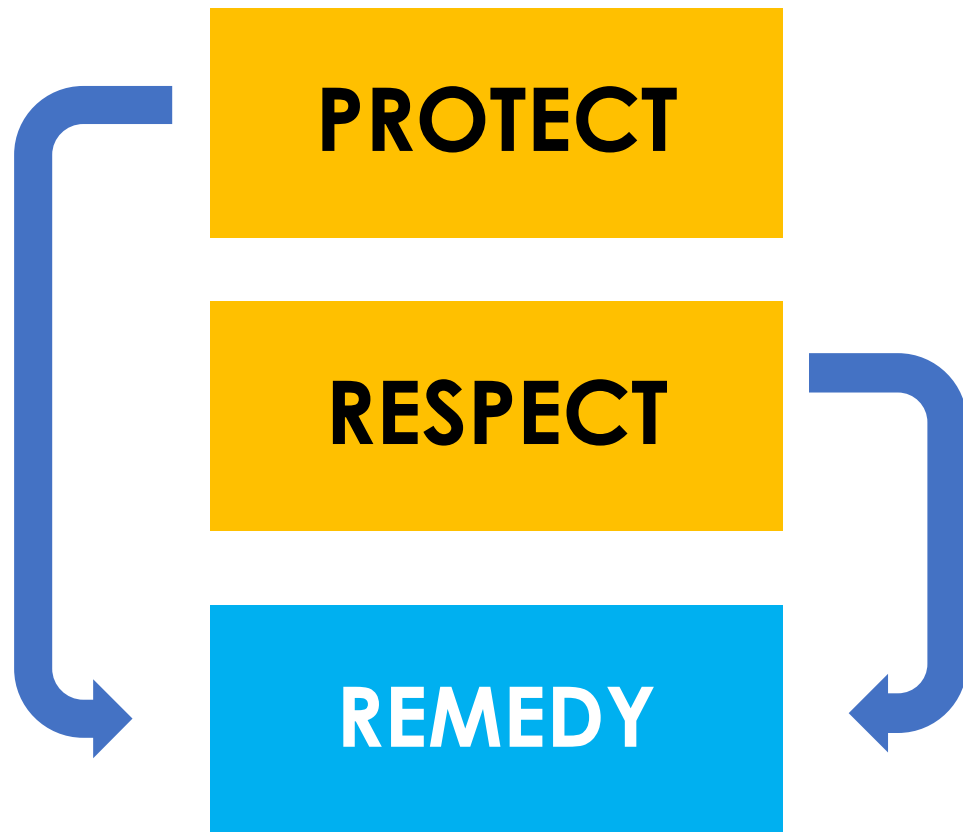


PROTECT

RESPECT

REMEDY

UNGPs 1, 25.
States should
guarantee
effective
remedy



UNGP 22.
Companies
should provide
for reparation

Slide 3

LRR2 Como parte de su deber de protección contra las violaciones de derechos humanos relacionadas con actividades empresariales, los Estados deben tomar medidas apropiadas para garantizar, por las vías judiciales, administrativas, legislativas o de otro tipo que correspondan, que cuando se produzcan ese tipo de abusos en su territorio y/o jurisdicción los afectados puedan acceder a mecanismos de reparación eficaces.

Luis RODRÍGUEZ-PIÑERO ROYO, 6/15/2021



3

Types of grievance mechanisms



OHCHR Accountability and Remedy Project (ARP)

ARP I – State-based judicial mechanisms

ARP II – Non-judicial State-based mechanisms

ARP III – Non-State grievance mechanisms

Pilar III: Types of grievance mechanisms

State-based judicial mechanisms
UNGP 26

Courts & Tribunals

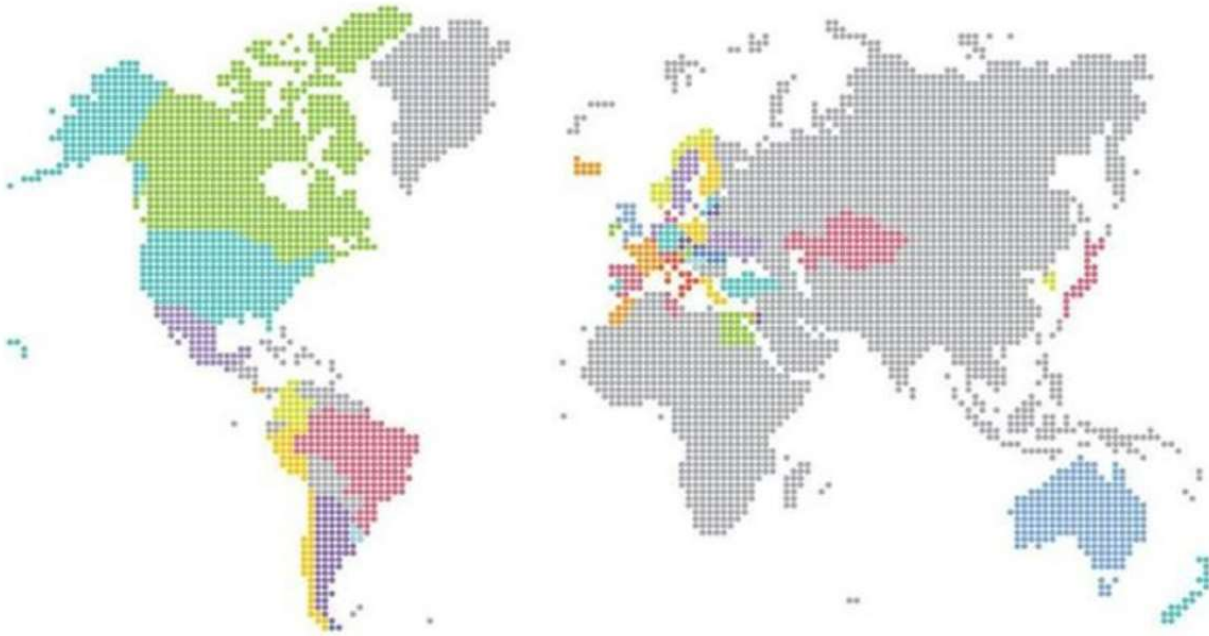
Non-judicial State based-mechanisms
UNGP 27

National Human Rights Institutions
Labour Inspectorates
OECD National Contact Points (...)

Non-State grievance mechanisms
UNGPs 28-30

Operational-level grievance mechanisms
Independence accountability mechanisms
(International Financial Institutions)

OECD National Contact Points



International Financial Institutions – International Accountability Mechanisms



Miembro del Grupo
Banco Interamericano de Desarrollo



Corporación
Financiera
Internacional

Grupo Banco Mundial



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Implications for indigenous peoples

①

Indigenous peoples have the right to an effective remedy



UDHR Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law

1

Indigenous peoples have the right to an effective remedy

UNDRIP Article 40



Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States **or other parties**, as well as to **effective remedies** for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

2

Grievance mechanisms need to be adapted to the specific circumstances of indigenous peoples

**Effectiveness
criteria**
UNGP 31

- Legitimate
- Accessible
- Predictable
- Equitable
- Transparent
- Rights compatible
- Source of continuous learning

3

Grievance mechanism need to be designed with the participation of indigenous peoples

**Effectiveness
criteria**
UNGP 31

- **Based on engagement and dialogue:** consulting the stakeholder groups for whose use they are intended on their design and performance

Thank you very much
#standup4humanrights

