

# GRI 411: RIGHTS OF INDIGENOUS PEOPLES 2016

# GRI 411

---

# Contents

---

<b>Introduction</b>	<b>3</b>
---------------------	----------

---

<b>GRI 411: Rights of Indigenous Peoples</b>	<b>5</b>
--	----------

<b>1. Management approach disclosures</b>	<b>5</b>
<b>2. Topic-specific disclosures</b>	<b>7</b>
Disclosure 411-1 Incidents of violations involving rights of indigenous peoples	<b>7</b>

---

<b>Glossary</b>	<b>8</b>
-----------------	----------

---

<b>References</b>	<b>10</b>
-------------------	-----------

---

## About this Standard

<b>Responsibility</b>	This Standard is issued by the <a href="#">Global Sustainability Standards Board (GSSB)</a> . Any feedback on the GRI Standards can be submitted to <a href="mailto:standards@globalreporting.org">standards@globalreporting.org</a> for the consideration of the GSSB.
<b>Scope</b>	<i>GRI 411: Rights of Indigenous Peoples</i> sets out reporting requirements on the topic of rights of indigenous peoples. This Standard can be used by an organization of any size, type, sector or geographic location that wants to report on its impacts related to this topic.
<b>Normative references</b>	This Standard is to be used together with the most recent versions of the following documents. <a href="#">GRI 101: Foundation</a> <a href="#">GRI 103: Management Approach</a> <a href="#">GRI Standards Glossary</a>  In the text of this Standard, terms defined in the Glossary are <u>underlined</u> .
<b>Effective date</b>	This Standard is effective for reports or other materials published on or after 1 July 2018. Earlier adoption is encouraged.

**Note:** This document includes hyperlinks to other Standards. In most browsers, using **'ctrl' + click** will open external links in a new browser window. After clicking on a link, use **'alt' + left arrow** to return to the previous view.

# Introduction

## A. Overview

This Standard is part of the set of GRI Sustainability Reporting Standards (GRI Standards). These Standards are designed to be used by organizations to report about their impacts on the economy, the environment, and society.

The GRI Standards are structured as a set of interrelated, modular standards. The full set can be downloaded at [www.globalreporting.org/standards/](http://www.globalreporting.org/standards/).

There are three universal Standards that apply to every organization preparing a sustainability report:

*GRI 101: Foundation*

*GRI 102: General Disclosures*

*GRI 103: Management Approach*

***GRI 101: Foundation is the starting point for using the GRI Standards. It has essential information on how to use and reference the Standards.***

An organization then selects from the set of topic-specific GRI Standards for reporting on its material topics. These Standards are organized into three series: 200 (Economic topics), 300 (Environmental topics) and 400 (Social topics).

Each topic Standard includes disclosures specific to that topic, and is designed to be used together with *GRI 103: Management Approach*, which is used to report the management approach for the topic.

***GRI 411: Rights of Indigenous Peoples is a topic-specific GRI Standard in the 400 series (Social topics).***

## B. Using the GRI Standards and making claims

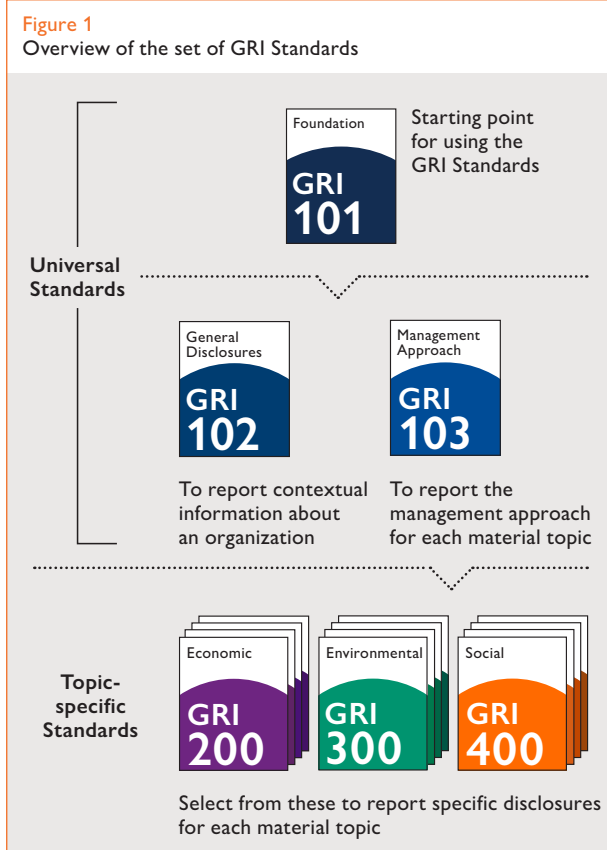
There are two basic approaches for using the GRI Standards. For each way of using the Standards there is a corresponding claim, or statement of use, which an organization is required to include in any published materials.

1. The GRI Standards can be used as a set to prepare a sustainability report that is in accordance with the Standards. There are two options for preparing a report in accordance (Core or Comprehensive), depending on the extent of disclosures included in the report.

An organization preparing a report in accordance with the GRI Standards uses this Standard, *GRI 411: Rights of Indigenous Peoples*, if this is one of its material topics.

2. Selected GRI Standards, or parts of their content, can also be used to report specific information, without preparing a report in accordance with the Standards. Any published materials that use the GRI Standards in this way are to include a 'GRI-referenced' claim.

See **Section 3 of *GRI 101: Foundation*** for more information on how to use the GRI Standards, and the specific claims that organizations are required to include in any published materials.



---

## C. Requirements, recommendations and guidance

The GRI Standards include:

**Requirements.** These are mandatory instructions. In the text, requirements are presented in **bold font** and indicated with the word 'shall'. Requirements are to be read in the context of recommendations and guidance; however, an organization is not required to comply with recommendations or guidance in order to claim that a report has been prepared in accordance with the Standards.

**Recommendations.** These are cases where a particular course of action is encouraged, but not required. In the text, the word 'should' indicates a recommendation.

**Guidance.** These sections include background information, explanations and examples to help organizations better understand the requirements.

An organization is required to comply with all applicable requirements in order to claim that its report has been prepared in accordance with the GRI Standards. See [GRI 101: Foundation](#) for more information.

---

## D. Background context

In the context of the GRI Standards, the social dimension of sustainability concerns an organization's impacts on the social systems within which it operates.

*GRI 411* addresses the rights of indigenous peoples. While there is no universal definition of indigenous peoples, they are generally identified as:<sup>1</sup>

- tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

Many indigenous peoples have suffered from historic injustices and therefore are considered a vulnerable group. Such a group is at a higher risk of suffering a disproportionate burden of the economic, environmental and/or social impacts of an organization's activities.<sup>2</sup>

In addition to their collective rights, each person belonging to indigenous peoples shares universal human rights.

These concepts are covered in key instruments of the International Labour Organization and the United Nations: see [References](#).

The disclosures in this Standard can provide information about an organization's impacts related to the rights of indigenous peoples, and how it manages these impacts.

---

<sup>1</sup> Source: International Labour Organization (ILO) Convention 169, 'Indigenous and Tribal Peoples Convention', 1989.

<sup>2</sup> Source: United Nations (UN) Declaration, 'United Nations Declaration on the Rights of Indigenous Peoples', 2007.

# GRI 411: Rights of Indigenous Peoples

This Standard includes disclosures on the management approach and topic-specific disclosures. These are set out in the Standard as follows:

- Management approach disclosures (this section references *GRI 103*)
- Disclosure 411-1 Incidents of violations involving rights of indigenous peoples

---

## 1. Management approach disclosures

Management approach disclosures are a narrative explanation of how an organization manages a material topic, the associated impacts, and stakeholders' reasonable expectations and interests. Any organization that claims its report has been prepared in accordance with the GRI Standards is required to report on its management approach for every material topic, as well as reporting topic-specific disclosures for those topics.

Therefore, this topic-specific Standard is designed to be used together with *GRI 103: Management Approach* in order to provide full disclosure of the organization's impacts. *GRI 103* specifies how to report on the management approach and what information to provide.

---

### Reporting requirements

- 1.1** The reporting organization shall report its management approach for the rights of indigenous peoples using *GRI 103: Management Approach*.

---

### Guidance

The United Nations (UN) Declaration on the Rights of Indigenous Peoples and the International Labour Organization Convention 169 'Indigenous and Tribal Peoples' address the rights of indigenous peoples. Indigenous peoples have both collective and individual rights, as set out in these instruments.

The collective rights of indigenous peoples include, for example, the right to retain their own customs and institutions, and the right to self-determination. According to the UN Declaration on the Rights of Indigenous Peoples, the right to self-determination enables indigenous peoples to 'freely determine their political status and freely pursue their economic, social and cultural development' and have the right to 'autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.'

---

## Management approach disclosures

### Continued

Indigenous peoples also have the right to occupy and use their lands or territories, including those who hold or use land pursuant to informal or customary rights. Indigenous peoples cannot be relocated without free, prior, and informed consent. They also have the right to redress in cases where their lands or resources have been occupied or damaged without their free, prior, and informed consent.

Due diligence is expected of an organization in order to avoid infringing on the rights of indigenous peoples through its activities and decisions. An organization is also expected to respect the rights of indigenous peoples to free, prior, and informed consent in certain matters affecting them. This is the case when, for example, an organization intends to start operations on land that is inhabited or owned by indigenous peoples.

## 2. Topic-specific disclosures

### Disclosure 411-1

#### Incidents of violations involving rights of indigenous peoples

##### Reporting requirements

The reporting organization shall report the following information:

- a. Total number of identified incidents of violations involving the rights of indigenous peoples during the reporting period.
- b. Status of the incidents and actions taken with reference to the following:
  - i. Incident reviewed by the organization;
  - ii. Remediation plans being implemented;
  - iii. Remediation plans that have been implemented, with results reviewed through routine internal management review processes;
  - iv. Incident no longer subject to action.

Disclosure  
411-1

##### Reporting recommendations

- 2.1 When compiling the information specified in Disclosure 411-1, the reporting organization should include incidents involving the rights of indigenous peoples among:
  - 2.1.1 workers performing the organization's activities;
  - 2.1.2 communities likely to be impacted by existing or planned activities of the organization.

##### Guidance

###### *Guidance for Disclosure 411-1*

In the context of this disclosure, an 'incident' refers to a legal action or complaint registered with the reporting organization or competent authorities through a formal process, or an instance of non-compliance identified by the organization through established procedures. Established procedures to identify instances of non-compliance can include management system audits, formal monitoring programs, or grievance mechanisms.

###### *Background*

The number of recorded incidents involving the rights of indigenous peoples provides information about the implementation of an organization's policies relating to indigenous peoples. This information helps to indicate the state of relations with stakeholder communities. This is particularly important in regions where indigenous peoples reside, or have interests near operations of the organization.

# Glossary

This Glossary includes definitions for terms used in this Standard, which apply when using this Standard. These definitions may contain terms that are further defined in the complete [GRI Standards Glossary](#).

All defined terms are underlined. If a term is not defined in this Glossary or in the complete *GRI Standards Glossary*, definitions that are commonly used and understood apply.

## due diligence

In the context of the GRI Standards, 'due diligence' refers to a process to identify, prevent, mitigate and account for how an organization addresses its actual and potential negative impacts.

**Note:** This definition is based on the Organisation for Economic Co-operation and Development (OECD), *OECD Guidelines for Multinational Enterprises*, 2011, and the United Nations (UN), 'Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework', 2011.

## grievance mechanism

system consisting of procedures, roles and rules for receiving complaints and providing remedy

**Note:** Effective grievance mechanisms are expected to be legitimate, accessible, predictable, equitable, transparent, rights-compatible, and a source of continuous learning. For operational-level mechanisms to be effective, they are expected to be based on engagement and dialogue. For a description of each of these criteria, see Guiding Principle 31 in the United Nations (UN), 'Guiding Principles on Business and Human Rights, Implementing the United Nations "Protect, Respect and Remedy" Framework', 2011.

## impact

In the GRI Standards, unless otherwise stated, 'impact' refers to the effect an organization has on the economy, the environment, and/or society, which in turn can indicate its contribution (positive or negative) to sustainable development.

**Note 1:** In the GRI Standards, the term 'impact' can refer to positive, negative, actual, potential, direct, indirect, short-term, long-term, intended, or unintended impacts.

**Note 2:** Impacts on the economy, environment, and/or society can also be related to consequences for the organization itself. For example, an impact on the economy, environment, and/or society can lead to consequences for the organization's business model, reputation, or ability to achieve its objectives.

## indigenous peoples

indigenous peoples are generally identified as:

- tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.

**Note:** This definition comes from the International Labour Organization (ILO) Convention 169, 'Indigenous and Tribal Peoples Convention', 1989.



## material topic

topic that reflects a reporting organization's significant economic, environmental and social impacts; or that substantively influences the assessments and decisions of stakeholders

**Note 1:** For more information on identifying a material topic, see the [Reporting Principles for defining report content](#) in *GRI 101: Foundation*.

**Note 2:** To prepare a report in accordance with the GRI Standards, an organization is required to report on its material topics.

**Note 3:** Material topics can include, but are not limited to, the topics covered by the GRI Standards in the 200, 300, and 400 series.

## worker

person that performs work

**Note 1:** The term 'workers' includes, but is not limited to, employees.

**Note 2:** Further examples of workers include interns, apprentices, self-employed persons, and persons working for organizations other than the reporting organization, e.g., for suppliers.

**Note 3:** In the context of the GRI Standards, in some cases it is specified whether a particular subset of workers is to be used.

# References

The following documents informed the development of this Standard and can be helpful for understanding and applying it.

## **Authoritative intergovernmental instruments:**

1. International Labour Organization (ILO) Convention 169, 'Indigenous and Tribal Peoples Convention', 1989.
2. United Nations (UN) Convention, 'International Covenant on Civil and Political Rights', 1966.
3. United Nations (UN) Convention, 'International Covenant on Economic, Social, and Cultural Rights', 1966.
4. United Nations (UN) Declaration, 'Declaration on the Right to Development', 1986.
5. United Nations (UN) Declaration, 'United Nations Declaration on the Rights of Indigenous Peoples', 2007.
6. United Nations (UN) Declaration, 'Universal Declaration of Human Rights', 1948.

## **Other relevant references:**

7. International Finance Corporation (IFC), 'Performance Standards on Environmental and Social Sustainability', 2012.

standards@globalreporting.org  
www.globalreporting.org

GRI  
PO Box 10039  
1001 EA  
Amsterdam  
The Netherlands

---

### Legal liability

This document, designed to promote sustainability reporting, has been developed by the Global Sustainability Standards Board (GSSB) through a unique multi-stakeholder consultative process involving representatives from organizations and report information users from around the world. While the GRI Board of Directors and GSSB encourage use of the GRI Sustainability Reporting Standards (GRI Standards) and related Interpretations by all organizations, the preparation and publication of reports based fully or partially on the GRI Standards and related Interpretations are the full responsibility of those producing them. Neither the GRI Board of Directors, GSSB nor Stichting Global Reporting Initiative (GRI) can assume responsibility for any consequences or damages resulting directly or indirectly from the use of the GRI Standards and related Interpretations in the preparation of reports, or the use of reports based on the GRI Standards and related Interpretations.

---

### Copyright and trademark notice

This document is copyright-protected by Stichting Global Reporting Initiative (GRI). The reproduction and distribution of this document for information and/or use in preparing a sustainability report is permitted without prior permission from GRI. However, neither this document nor any extract from it may be reproduced, stored, translated, or transferred in any form or by any means (electronic, mechanical, photocopied, recorded, or otherwise) for any other purpose without prior written permission from GRI.

Global Reporting Initiative, GRI and logo, GSSB and logo, and GRI Sustainability Reporting Standards (GRI Standards) are trademarks of Stichting Global Reporting Initiative.

© 2018 GRI  
All rights reserved.

ISBN: 978-90-8866-122-8