How to protect complainants from retaliation? The approach of the IAMs

Task Force on Access to Justice
Geneva, 27-28 February 2017
The context

Environmental activists/human rights defenders perform a public interest function at the risk of retaliation:

- Ken Saro-Wiwa
- Berta Isabel Cáceres Flores
- Isidro Baldenegro López
The context

Number of environmental activists killed in each country

Environmental activist deaths, 2010 to 2015

Source: Global Witness
The context

- **Hard retaliation**
  - Arbitrary arrests; attacks, threats, harassment, torture, extrajudicial executions.

- **«Soft» retaliation**
  - Discrimination; involuntary unemployment…
The approach of IAMs against retaliation

- **EIB Group’s Complaints Mechanism:**
  - Art. 15 of the Rules of Procedure of the EIB Complaints Mechanism (EIB-CM)
  - Art. 4.4 of the Operating Procedures (special procedure for the notification of sensitive complaints due to retaliation risk)
  - Art. 10 of the Operating Procedures: Duty of confidentiality (Rules of Conduct of the EIB-CM)
  - *Actio popularis*

- **World Bank’s Inspection Panel:**
  - *2016 Retaliation Guidelines*: identify/monitor potential risks to complainants; plan/adopt preventive measures to address/reduce these risks; identify appropriate responses if retaliation occurs.

- **Compliance Advisor Ombudsman of the IFC:**
  - Public consultation on CAO’s *Approach to Complainant Protection*
The EU dimension


- EU Guidelines on Human Rights Defenders:

- Decision of the European Ombudsman closing her own-initiative inquiry OI/1/2014/PMC concerning whistleblowing

At UN level:

Future challenges

- Foster **harmonisation** of approaches among IAMs – develop common training material/community of expertise

- Train operational staff with a view to **detecting red flags** of retaliation risk **at the earliest** stage of project cycle.

- EU/international **scheme** to provide **support** to environmental campaigners at risk.

- Learn from the experience of other non-judicial review mechanisms
Thank you

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