



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

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

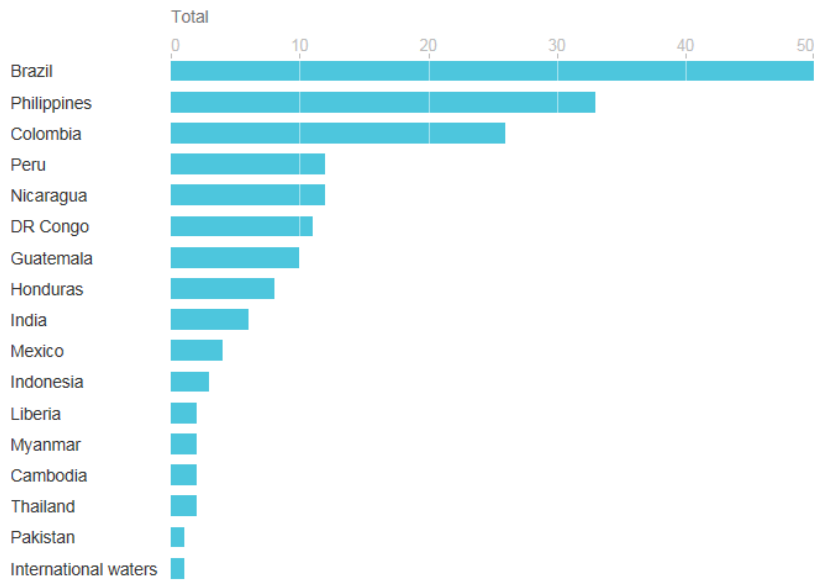
The context

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

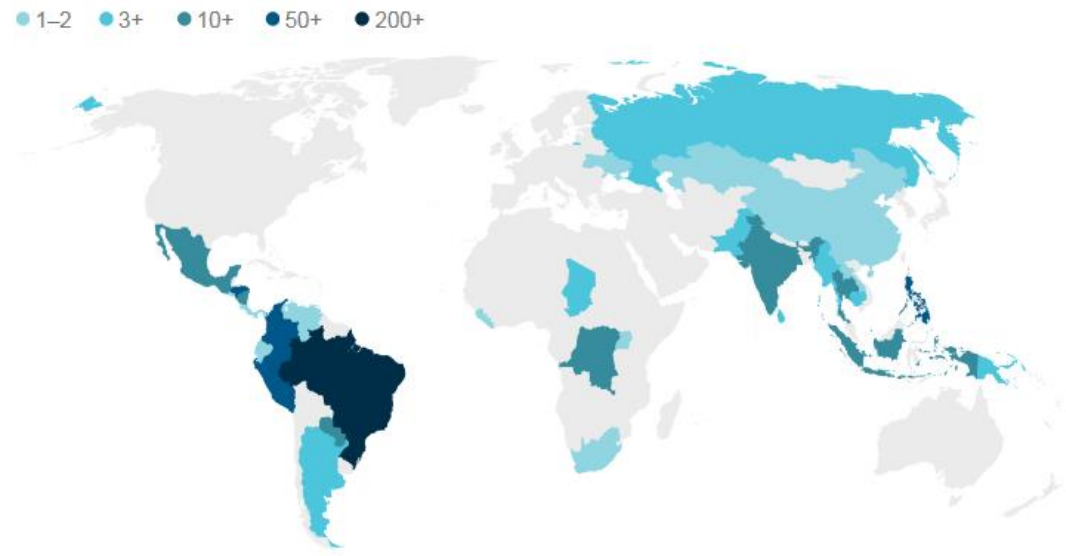
- **Ken Saro-Wiwa**
- **Berta Isabel Cáceres Flores**
- **Isidro Baldenegro López**

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 Mechanism: <https://protectdefenders.eu/en/index.html>
- EU Guidelines on Human Rights Defenders:
<https://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf>
- Decision of the European Ombudsman closing her own-initiative inquiry OI/1/2014/PMC concerning whistleblowing

At UN level:

- Office of the High Commissioner for Human Rights: Manual on Human Rights Monitoring

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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