

The Right to Voice Concerns: the role of IAMS in addressing the risk of retaliation

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OHCHR Accountability and Remedy Project III: Preventing retaliation through non-state-based grievance mechanisms

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Discussion Items

1. The IAM experience: steps taken to date and progress made
2. The ARP III findings and their relevance to our work
3. Challenges ahead

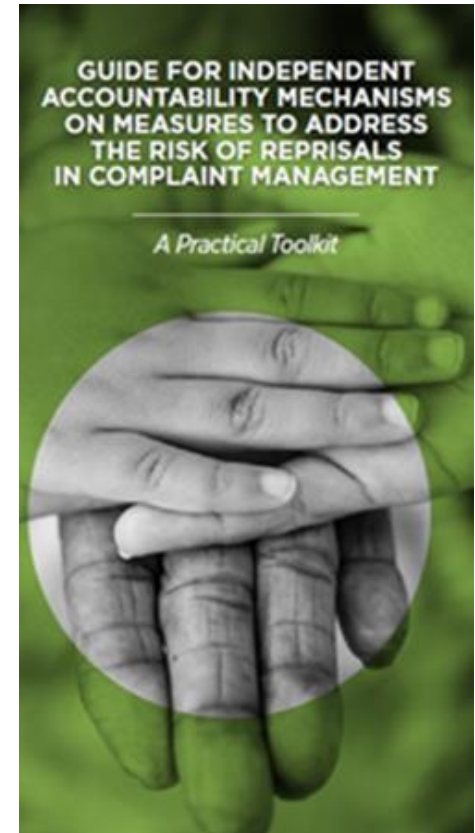
The IAM experience: steps taken to date and progress made

General context:

- Growing number of complaints where fear of reprisals was cited
- Increasing role of private sector in development
- Shrinking space for civic society
- Limited knowledge amongst IAMs about how to address these issue

What did we do?

- Commission the [Guide for Independent Accountability Mechanisms On Measures to Address the Risk of Reprisals in Complaint Management](#)
(available in English and Spanish)
- Mechanisms started drafting guidance in line with each one's mandate: WB Inspection Panel, IFC's CAO, IADB's MICI, EBRD's IPAM
- Engagement with Senior Management from IFI's to raise awareness about these issues



The ARP III findings and their relevance to our work

Policy objective 8: Non-State-based grievance mechanisms are accessible

8.9 The mechanism adopts and implements policies & processes appropriate

- a. To preserve confidentiality regarding identity and the grievance process itself
- b. To ensure risks of retaliation are properly assessed and addressed

IAM response

1. All IAM policies and procedures should include provisions on:
 - Preserving confidentiality
 - How Risk of Retaliation is addressed
2. Staff requires training on who to implement provisions
2. Engagement with requesters and joint decision making on measures

The ARP III findings and their relevance to our work

Policy objective 9: Non-State-based grievance mechanisms are predictable

9.2 The mechanism publishes accurate and realistic information, sufficient to foster a clear understanding as to:

(f) The extent to which the mechanism can assist in cases where there may be a risk of retaliation and the form it may take.

9.3 The mechanism adopts, implements and communicates clear policies and procedures for collaboration with other non-State grievance mechanism, State-based mechanisms and/or State agencies with respect to a grievance which clearly set out:

(b) Appropriate safeguards relating to protecting people from the risk of retaliation.

IAM response

1. Websites and materials should provide clear and transparent guidance on how we deal with risk of retaliation and its scope
2. Engagement with IFI management
3. Engagement with other IAMs
4. But not yet there on collaboration with other non-state grievance mechanism

The ARP III findings and their relevance to our work

Policy objective 12: Non-State-based grievance mechanisms are rights-compatible

12.4 The mechanism adopts and implements policies & processes needed to ensure that engagement with State agencies is undertaken

c. Best calculated to reduce the risk of retaliation against the relevant rights holders, informed by a thorough risk assessment.

d. Which complies with policies, commitments with rights holders wrt confidentiality and protection of personal safety

IAM response

1. Not yet there
2. Risk assessment and joint plans are part of the approach now
3. Dynamic process of alignment

Some more challenging issues

Preserving a clear delineation between the roles and responsibilities of non-State-based grievance mechanisms and State-based mechanisms. Non-State-based grievance mechanisms must not limit access by rights holders to judicial mechanisms in such cases

Retaliatory behaviour (and the risks of the same) may not be obvious to law enforcement agencies, highlighting the need for greater institutional awareness of different forms that retaliation can take in practice. Such efforts should promote a proper appreciation of the structural, sociocultural and economic issues that can underpin or exacerbate risks and the risks that arise in challenging operating contexts, such as conflict-affected areas or areas in transition from conflict

Non-State-based grievance mechanisms **will not be effective mechanisms for dealing with business-related human rights harms if they are not themselves aligned with internationally recognized human rights (6.1).**

Mechanisms should act responsibly to address rights holder concerns about the possibility of retaliation, and to reduce risks of harm (8.9). need for accessibility may be best served by providing for **the possibility of anonymous complaints**, provided due process concerns are properly addressed



WHY ACT

BECAUSE IT IS A HUMAN
RIGHT!!

Thank you
