



EIB GROUP COMPLAINTS MECHANISM'S APPROACH TO PREVENTING AND ADDRESSING REPRISALS

INTRODUCTION

The Complaints Mechanism (EIB-CM)¹ is the citizen-driven accountability function of the European Investment Bank Group (EIB Group). While performing its work, the EIB-CM might encounter complainants who fear the risk of retaliations or who have already been subject to reprisals.

The EIB-CM is committed to taking steps to prevent and address potential risks of reprisals against complainants or complaint-related people. According to Article 2.6 of the EIB-CM Policy², complainants to the EIB-CM must not be subject to any form of retaliation, abuse or any kind of discrimination due to having exercised their right to complain. This applies to the entire EIB Group and to any counterparty that is in a business relationship with any part of the EIB Group.

This document is intended to present the EIB-CM's approach towards those efforts. This is a living document and should be read in light of the EIB-CM Policy and Procedures³, EIB Group policies and rules applicable to EIB staff.

APPLICABILITY AND LIMITATIONS

This document applies to instances of reprisals. Reprisals are retaliatory acts committed against physical persons (including their relatives, partners or spouses, among others) and organisations and/or their property because of their ongoing or past cooperation with the EIB-CM⁴. For the purpose of this approach, the terms retaliation and reprisal will be used interchangeably.

The EIB-CM takes the safety of complainants and other individuals associated with the EIB-CM seriously. However, there are limitations to what the EIB-CM can do. The EIB-CM has no law enforcement powers and, consequently, no possibility to provide physical protection to complainants and associated individuals. Therefore, this document focuses on assessment and prevention.

1 The EIB-CM is part of the independent Inspectorate General, headed by the Inspector General.

2 https://www.eib.org/attachments/strategies/complaints_mechanism_policy_en.pdf

3 <https://www.eib.org/en/publications/complaints-mechanism-procedures>

4 This definition emerges from long-standing praxis, as initiated by the United Nations Human Rights Council in Resolution 12/2 of 2009, https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_12_2.pdf

PRINCIPLES

The following principles guide the essence of the work of EIB-CM staff while seeking to prevent, assess, and address instances of reprisals:

1. SAFE ACCESS TO THE EIB-CM: this entails fostering a culture of open and safe access to the EIB-CM. While speaking up may not be easy for everyone, the EIB-CM aims to support the complainants and offer them simple, straightforward and secure access to it.

2. ZERO TOLERANCE: the EIB-CM does not tolerate any form of reprisal irrespective of any perceived seriousness, impact, nature of damages caused, type of perpetrator, or location.

3. VICTIM-ORIENTED APPROACH: the victim's perspective and needs are at the centre of the analysis and decision-making when addressing instances of reprisals.

4. DO NO HARM: a complaint submitted to the EIB must not result in enhanced risks for the complainant, complainant-related persons or organisations, and any other physical person or organisation intending to cooperate with the EIB-CM.

5. CONFIDENTIALITY: For each case, complainants have the right to indicate in their communication that their complaint should be treated confidentially⁵. When dealing with complaints, if the EIB-CM identifies risks of retaliation, it treats any such complaints in a confidential manner. In these cases, the EIB-CM will not share information enabling the identification of the persons concerned with external stakeholders unless it is required by law.⁶

PREVENTING THE RISK OF REPRISALS

The EIB-CM aims to give proactive and due consideration to all possible incidents of reprisals. It seeks to do so by:

1. PERFORMING A RETALIATION RISK ASSESSMENT FOR EACH CASE

At its initial stage and throughout the complaint-handling process, the EIB-CM staff assess the risk of retaliation in the context of a specific complaint on the basis of the information available. If the EIB-CM identifies risks of reprisals or if reprisals materialise, the EIB-CM will aim to identify appropriate preventative measures adapted to the specific circumstances of the case to address and reduce the risks. The EIB-CM will seek to plan possible actions with the complainant prior to the occurrence of any potential incident.

⁵ https://www.eib.org/attachments/strategies/complaints_mechanism_policy_en.pdf

⁶ In any case, the EIB-CM ensures the protection of personal data in line with the provisions of the EIB-CM Policy and applicable legal framework regarding data protection.

2. ENSURING CONFIDENTIALITY OF THE RELEVANT INFORMATION AND DOCUMENTS RECEIVED

If the EIB-CM identifies risks of reprisals in a case, it will not share information enabling the identification of the complainant with external stakeholders. Furthermore, when communicating with the EIB services, the EIB-CM will not disclose the identity of the complainant and the complaint will be redacted to avoid the possible identification of its origin.⁷

This confidentiality commitment extends to all relevant information and documents regardless of their format or medium.

The EIB-CM will then explain to the complainants the impacts of confidentiality on the work of the EIB-CM. Confidential treatment may severely limit the capability of the EIB-CM to handle the complaint, and in some cases, the EIB may be required by law to disclose information on the complainants and/or persons concerned to external stakeholders.

3. ENSURING SAFE COMMUNICATION WITH THE COMPLAINANTS AND OTHER RELEVANT STAKEHOLDERS

The EIB-CM seeks to adopt the best available practices in safeguarding communications with stakeholders.

Staff in charge of handling a complaint seek to adopt the most appropriate means of communication to safeguard the integrity of the process. The choice of communication channel will take into account preferences discussed with the complainants and other associated persons as well as the country context to reduce risks of interception. Communication means may have to be adapted over time.

4. PAYING PARTICULAR ATTENTION TO RISKS OF REPRISALS IN MISSION PLANNING, PREPARATION OF MEETINGS WITH COMPLAINANTS AND OTHER RELEVANT STAKEHOLDERS, AND OUTREACH EVENTS

When planning missions, the EIB-CM puts in place measures specific to each individual case, in accordance with the results of the risk assessment. It also takes into account the latest available updates from the ground and from the complainants and other associated persons.

When a face-to-face meeting takes place, the EIB-CM aims at ensuring confidentiality. The EIB-CM does not make audio or video recordings of meetings, unless agreed to by all the participants. The EIB-CM will also specifically advise against any recording done by others.

When organising outreach events, the EIB-CM will adapt them depending on the context. First, the EIB-CM will weigh elements such as the country context in terms of reprisals, the general exposure to risk of the participants, the relationships between them and the ability of the organisers to maintain their confidentiality during the events. Secondly, the EIB-CM will identify key local players and human rights specialists that could provide support if necessary.

In some cases, the EIB-CM relies on translators, interpreters, facilitators and consultants to support its work. The EIB-CM needs to ensure that they respect the confidentiality undertaking that applies to their work with the EIB-CM.

⁷ https://www.eib.org/attachments/strategies/complaints_mechanism_procedures_en.pdf

RESPONDING TO INCIDENTS

If threats or incidents of reprisals occur while handling a complaint, the EIB-CM gives immediate priority to the case, corroborates the information to the extent possible and implements protocols developed together with the complainants and other persons concerned. Any course of action is implemented on a case-by-case basis and the responses to incidents will be guided by the “do no harm” principle, prioritising the well-being and safety of those under threat. The situation is regularly reassessed and monitored, and when necessary the course of action is modified.

In particularly serious cases, the EIB-CM may inform the Bank’s management, including the Management Committee.

REPORTING

The EIB-CM envisages including statistical data in its activity reports such as the EIB-CM Annual Report in relation to retaliations in an anonymised and aggregate manner.

The EIB-CM may also include information related to reprisals within its initial assessment and conclusions reports when considered relevant.

