

# INDEPENDENT COMPLAINTS MECHANISM (ICM)

## Non-Retaliation Statement Independent Complaints Mechanism

### -Position Statement on Addressing Risk of Reprisals related to ICM Operations-

February 2021

The ICM's core purpose is to provide complainants with an effective, fair and credible tool to facilitate the resolution of disputes, as well as to assist Netherlands Development Finance Company (FMO), Deutsche Investitions- und Entwicklungsgesellschaft (DEG) and PROPARCO (collectively: the DFIs) in adhering to their own environmental and social policies and procedures. Complainants' ability to safely file complaints without fear of retaliation is an essential pre-requisite for the ICM to achieve its mission.

Reprisals can take various forms and be targeted at complainants, their families or communities, or others who engage with the work of the ICM, such as consultants, service providers, and support staff. In all forms, reprisals undermine the effectiveness of the ICM and the DFIs' ability to enhance environmental and social outcomes.

The ICM is committed to assessing, preventing and addressing risk of reprisals relating to its processes to the best of its ability. In particular, the ICM takes the safety of complainants and others who engage in its processes seriously and seeks to respond appropriately and timely to threats or incidents of reprisals.

In addressing risk of reprisals, the ICM adheres to the following principles:

1. **Non-tolerance for reprisals:** the ICM considers threats or incidents of reprisal related to its operations unacceptable. The ICM will not tolerate any form of reprisal against complainants, their relatives, their communities, or others who support and engage with the ICM. The ICM will monitor and address within its capacity threats and incidents of reprisals with high priority and utmost seriousness.
2. **Confidentiality:** in line with its policy, the ICM is committed to safeguarding individual identities and confidential information. Complainants have a right to request for confidential treatment of their complaint. Further, the ICM will not disclose complainants' identity and other sensitive information they provide to internal or external stakeholders without their explicit and informed consent. Confidentiality can cover early contact with the ICM prior to lodging a complaint, as well as all subsequent processes before the ICM through the admissibility, preliminary review, compliance review and/or dispute resolution and monitoring.

The Independent Complaints Mechanism offers people who believe to be adversely affected by an operation financed by FMO, DEG or PROPARCO the right to complain and the right to be heard. Learn more at:

[www.fmo.nl/icm](http://www.fmo.nl/icm)

[www.deginvest.de/icm](http://www.deginvest.de/icm)

[www.proparco.fr/icm](http://www.proparco.fr/icm)

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3. **Participatory preventive approach:** the ICM aims to systematically identify risk factors and prevent harm by implementing preventive measures based on a case-by-case analysis. The ICM will ensure that in its regular operations and case management it does not create or heighten risk of reprisals because of its processes. Working collaboratively with complainants and other relevant parties, the ICM endeavors to continuously identify risks at all stages of complaints processing and assist in developing strategies to reduce and mitigate risks.
4. **Collaborative response to threats or incidents of reprisals:** the ICM will work closely with person(s) concerned to identify and implement appropriate measures when responding to threats or incidents of reprisals. The ICM will always discuss with the person(s) concerned what the appropriate course of action should be and seek their informed consent before taking any steps to address threats or incidents of reprisal, including reporting or sharing information with other actors who may be able to provide protection or support.
5. **Transparent communication of the ICM's limitations:** as the ICM is not an enforcement mechanism, it cannot physically protect complainants. The ICM will strive to be realistic and transparent about the limitations of its mandate and capabilities. Given these limitations, the ICM's approach is focused on assessment and prevention as the best means to counter threats. The ICM encourages complainants to actively think about their own safety and consider measures they can take to reduce risks. The ICM urges complainants to communicate any such concerns with the ICM.

Recognizing that people affected by projects financed by the DFIs may often be vulnerable, the ICM is available to confidentially discuss concerns related to risk of reprisals prior to lodging complaints.

The ICM will document and monitor information received on risk of reprisals and will periodically review the effectiveness of its approach with the view to continuously improve as needed.

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