

# Supporting Operating Procedures of the Independent Redress Mechanism on Retaliation

*[Version Note: In late November and early December 2020, IRM staff, interns and consultants, together with colleagues from the Independent Integrity Unit, undertook retaliation training, which included modules on how to develop an effective anti-retaliation programme, confidentiality, communications and overall risk management. Following the lessons learnt in this training, small modifications have been made to the IRM's SOP on retaliation. These changes are identified in the document with footnotes.]*

## Abbreviations

- AE** – Accredited Entity
- CMS** – Case Management System
- CSO** – Civil Society Organisation
- DAE** – Direct Access Entity
- EE** – Executing Entity
- GCF** – Green Climate Fund
- GRM** – Grievance Redress Mechanism
- IAM** – Independent Accountability Mechanism
- IDP** – Information Disclosure Policy
- IIU** – Independent Integrity Unit
- IPP** – Indigenous Peoples Policy
- IRM** – Independent Redress Mechanism
- IU** – Independent Unit
- MOU** – Memorandum of Understanding
- NDA** – National Designated Authority
- OGC** – Office of the General Counsel
- PGs** – Procedures and Guidelines
- PPP** – Policy on Prohibited Practices
- PPWW** – Policy on the Protection of Whistleblowers and Witnesses
- SEAH** – Sexual Exploitation, Sexual Abuse, and Sexual Harassment
- SOP** – Supporting Operating Procedures
- TOR** – Terms of Reference

## Glossary

**Accredited Entity (AE)** – AEs are institutions or organizations that are accredited by GCF through the accreditation process. Only AEs can submit a funding proposal to GCF. AEs develop and submit funding proposals for appraisal and approval by GCF and oversee and monitor the management and implementation of projects and programmes approved and financed by GCF. There are two types of accreditation modalities: direct access and international access.

**Advisory function** – Based on lessons learned from its cases and work or good international practices, the IRM provides systemic advice to the GCF on policies and procedures with an eye to improving GCF performance and outcomes.

**Capacity-building function** – The IRM works with Direct Access Entities (DAEs) of the GCF to help them build the capacity of their grievance mechanisms and procedures.

**Case Lead** – Once a grievance or complaint has been found eligible, the Head of the IRM designates an IRM staff member or consultant to act as Case Lead. The Case Lead is responsible for managing and documenting the case process, and making day-to-day decisions on the case.

**Case Management System (CMS)** – The Case Management System is the IRM’s database of all its cases and serves as a single internal repository of all case information. It is a secure, confidential system accessible to authorized IRM staff only.

**Chatham House Rule** - When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

**Compliance review** – The IRM conducts independent compliance appraisals and investigations of GCF projects and programmes and their adherence to GCF policies and procedures in the context of complaints and grievances and reconsideration requests. The goal of the compliance process is to determine whether any GCF policies or procedures have been violated and, if so, make recommendations on how redress or remedy should be provided.

**Confidentiality** – Confidentiality is an umbrella term which is applied to refer to a variety of levels of protection from disclosure. Confidentiality can range from secrecy or provision of information on an ‘off the record’ or ‘no names’ basis, to application of the Chatham House Rule.

**Covered Individual** - means GCF Personnel, Co-Chairs of the Board, Board and Alternate Members, their Advisers, Board-Appointed Officials, External Members and Active Observers.

**Direct Access Entity (DAE)** – Pursuant to paragraph 47 of the Governing Instrument for the GCF, DAEs are entities accredited under the direct access modality, including subnational, national or regional entities, that have obtained a nomination from NDAs/focal points. They may include ministries or government agencies, development banks, climate funds, commercial banks or other financial institutions, private foundations and non-governmental organizations.

**Eligibility determination** – Following the filing of a complaint or grievance, the IRM conducts an eligibility determination to determine whether a complaint or grievance meets the criteria to initiate the IRM’s problem-solving or compliance review procedures. If the criteria are not met, the complaint is declared ineligible and the case is closed.

**Executing Entity (EE)** – An EE refers to any entity which channels or uses GCF proceeds for the purposes of a GCF funded activity, and/or which executes, carries out or implements a GCF funded activity or any part thereof. The reference to executing or implementing a GCF funded activity relates to the exercise of discretion and decision making with respect to such funded activity, or part thereof. An EE can be a developing country that is a Party to the United Nations Framework Convention on Climate Change and/or any entity that possesses a legal personality. An AE may also carry out the functions of an EE. The GCF requires the AEs to evaluate the capacity of and engage the relevant EE based on their ability to channel or use GCF proceeds and/or implement the GCF funded activity in accordance with GCF policies and requirements.

**Executive Director** – The Executive Director heads the GCF’s Secretariat, responsible for the management of the day-to-day operations of the Fund.

**Green Climate Fund (GCF) Board** – The Board of GCF established pursuant to the provisions of the Governing Instrument for the GCF. The Board is the highest decision-making body of GCF.

**Grievance Redress Mechanism (GRM)** – Grievance Redress Mechanisms, in the context of the GCF, refer to the mechanisms of Accredited Entities and at the project-level charged with receiving and addressing complaints by persons affected by projects, and seeking resolution to these complaints in a manner that is satisfactory to all parties.

**Independent Accountability Mechanism (IAM)** – Independent Accountability Mechanisms have a mandate to, amongst others, respond directly to complaints of people who believe that they or the environment in which they live has been or may be harmed by a project supported by international financial institutions. The Independent Redress Mechanism is the IAM of the Green Climate Fund.

**Independent Integrity Unit (IIU)** – The Independent Integrity Unit investigates allegations of fraud, corruption, misconduct and other prohibited practices. These include coercive and collusive practices, abuse, conflict of interest and retaliation against whistleblowers. It also takes a proactive approach to prevent these problems from arising, and to ensure that all GCF staff, external stakeholders, implementing entities and intermediaries relating to GCF adhere to the highest standards of integrity.

**Independent Units (IUs)** – The Green Climate Fund has three independent units to ensure accountability and to evaluate the performance of its activities, in order to ensure the application of safeguards as well as internationally accepted standards. The GCF’s three IUs are: the Independent Redress Mechanism, the Independent Integrity Unit and the Independent Evaluation Unit. In the performance of their mandates, the IUs are independent from the Secretariat and report directly to the GCF Board.

**National Designated Authority (NDA)** – An authority designated by a developing country Party to the United Nations Framework Convention on Climate Change pursuant to paragraph 46 of the Governing Instrument for the GCF that serves as the interface between each country and GCF. The NDA/focal point plays a key role throughout the project cycle in ensuring country ownership and a country-driven approach, which are core principles of the GCF business model. NDAs and focal points are listed on the GCF website.

**Outreach function** – The IRM’s outreach function aims to increase awareness of its role and work among potential complainants and requesters, civil society and the public generally.

**Policy on the Protection of Whistleblowers and Witnesses (PPWW)** – The Policy on the Protection of Whistleblowers and Witnesses is an expression of the Fund’s zero-tolerance of fraud and corruption and is intended to empower and protect whistleblowers and witnesses who blow the whistle on or who witness Wrongdoing, which is conduct that violates GCF policies or which involves significant risk to the GCF because it is harmful to its interests, reputation, operations, or governance.

**Policy on Prohibited Practices (PPP)** – The purpose of the Policy on Prohibited Practices is to establish the specific conduct and activities which are prohibited by the GCF, the obligations of various individuals to uphold the highest standards of integrity and to refrain from these practices, and the actions which the GCF may take when prohibited practices are alleged to have occurred in Fund-related Activities.

**Prohibited Practices** – Prohibited Practices are specific conduct as defined in the relevant GCF principles and policies. Prohibited Practices include Corrupt Practice, Fraudulent Practice,

Coercive Practice, Collusive Practice, Obstructive Practice, Abuse, Retaliation against Whistleblowers or Witnesses, Money Laundering, and Terrorist Financing.

**Privileges and Immunities** – Privileges and immunities describe the conditions under which the organisation is able to operate effectively and independently in the countries where it has operations. They are granted to relevant international organizations by individual sovereign states. One of these conditions is the immunity from legal process, such as immunity from cooperating with law enforcement and, in certain cases, immunity from being arrested or tried in a court of law.

**Problem-solving** – Problem-solving is one of the main tools used by the IRM to address complaints or grievances about GCF projects. The goal of the problem-solving process is to address specific issues that have given rise to the request or complaint, and to help identify and agree on solutions that meet the interests of the relevant parties. It typically involves clarifying the issues of concern, understanding the needs and interests of stakeholders, assisting parties in identifying solutions, and helping them reach agreement on the terms of these solutions. The IRM's approach is voluntary, facilitated, confidential, participatory and flexible.

**Procedures and Guidelines (PGs)** – The Procedures and Guidelines, together with the Terms of Reference, govern the work of the IRM and provides the necessary guidelines for the fulfilment of its functions.

**Reconsideration request** – The IRM addresses requests from developing countries for reconsideration of GCF Board decisions denying funding to a project or programme in that country. The IRM conducts an investigation to determine whether the GCF Board decision was based on a non-compliance with GCF policy or procedure, and may recommend reconsideration to the GCF Board on that basis.

**Retaliation** – Retaliation refers to any detrimental act, direct or indirect, recommended, threatened or actually taken against any person involved in the submission, processing or investigation of a complaint, grievance or reconsideration request with the IRM.

**Risk-based approach** – The risk-based approach means that the mitigation, prevention or protection measures undertaken are proportional and reflective of the severity and nature of the risks involved.

**Secretariat of the Green Climate Fund** – The Secretariat is responsible for executing the day-to-day operations of the Fund. It services and is accountable to the GCF Board.

**Self-initiated inquiry** – The IRM is able to initiate its own investigation if it receives information from a credible source of harm caused by a GCF project or programme, and if such information, if true, would pose a significant reputational risk to the GCF and if the person(s) adversely impacted is/are unable to access the IRM.

**Supporting Operating Procedures (SOPs)** – The Supporting Operating Procedures of the IRM facilitate implementation of its Terms of Reference and Procedures and Guidelines, and aim to ensure the effective and efficient operation of the IRM.

**Terms of Reference (TORs)** – The Terms of Reference define the purpose, governance and functions of the IRM.

## Key provisions

The excerpts below show the relevant provisions in the policies of the Green Climate Fund (GCF) and Independent Redress Mechanism (IRM) which relate to retaliation and provide the context for these Supporting Operating Procedures (SOPs). Some of these policies are subject to ongoing review to clarify issues of potential overlap between the jurisdiction of the IRM and the Independent Integrity

Unit (IIU). Despite these amendments, which may be made at a later date to the publication of this SOP, this SOP is aligned with the common understanding of respective mandates agreed upon between the IRM and IIU.<sup>1</sup>

<b>Key provisions of the GCF Whistleblower and Witness Protection Policy</b>	
III.	<p><b>Definitions</b></p> <p>...5.... (r) “Whistleblower” is any person or entity, who, in good faith and on reasonable grounds, reports, attempts to report, is believed to be about to report, or is believed to have reported suspected Wrongdoing (including concerns of suspected Wrongdoing);</p> <p>(s) “Wrongdoing” means conduct that violates GCF policies or which involves significant risk to the GCF because it is harmful to its interests, reputation, operations, or governance. Wrongdoing includes but is not limited to Misconduct, Prohibited Practices, and Conflicts of Interest;</p> <p>(t) “Witness” means any person or entity who cooperates in good faith, or is believed to be about to cooperate, or is believed to have cooperated with an investigation and provided information or evidence.</p> <p>7. Whistleblowers or Witnesses may include persons who bring allegations and information in a grievance, complaint, or reconsideration request to the Independent Redress Mechanism (“IRM”) which amount to suspected Wrongdoing...</p> <p>69. The IIU shall cooperate and coordinate with the IRM of the GCF to maximise the effectiveness of this Policy. The IRM will develop and issue supporting operating procedures consistent with its Terms of Reference and Procedures and Guidelines to protect complainants, requesters, Witnesses, and those assisting the IRM against Retaliation. In doing so, the IRM will, to the extent possible, give effect to the principles contained in this Policy. If such complainant, requester, Witness, or person assisting the IRM also becomes a Whistleblower or Witness with regard to the same matter, the Heads of the IRM and IIU shall consult with each other and determine how best to provide protection to the person concerned, either under this Policy or the supporting operating procedures of the IRM.</p>
<b>Key provisions of the GCF Prohibited Practices Policy</b>	
	<p>(o) “Prohibited Practices” mean any of the following practices in relation to Fund-related Activities: ... (viii) “Retaliation against Whistleblowers or Witnesses” means any detrimental act, direct or indirect, recommended, threatened or taken against a Whistleblower or Witness (as such terms are defined in the relevant GCF policy), or person associated with a Whistleblower or Witness, because of his or her report of suspected Wrongdoing or cooperation with a Fund investigation by the Whistle-blower or Witness;</p> <p>33. The IIU, guided by the IIU’s Terms of Reference and the Human Resources Legal Framework, shall refer any report of suspected Wrongdoing which falls outside the competency of the IIU, to the appropriate office, division or unit with the GCF (including the Independent Redress Mechanism) for resolution</p>

<sup>1</sup> In the event of any inconsistency between the provisions of this Supporting Operating Procedure and any Board-approved policies regarding the same subject matter, the Board-approved policies shall prevail.

Key provisions of the IRM Terms of Reference	
	N/A
Key provisions of the IRM Procedures and Guidelines	
	<p><b>Retaliation</b></p> <p>80. The GCF does not countenance retaliation against a complainant or any other person involved in an IRM process.</p> <p>81. The IRM acknowledges that a complainant, witnesses and other parties associated with a grievance or complaint being processed by the IRM may face risks of retaliation. The IRM shall endeavour to minimize the risk of retaliation in relation to implementation of its functions while recognizing that there are limits to its ability to protect those who face risks of retaliation. The IRM does not purport to replace national or international judicial bodies, protective services and law enforcement agencies whose functions include protecting the public in such situations.</p> <p>82. The IRM may, together with the GCF Secretariat, take all possible steps within its means to protect the complainant, witnesses and other involved parties from retaliation associated with a grievance or complaint processed by the IRM.</p> <p>83. The IRM shall develop SOPs that are consistent with the IRM’s TOR and these PGs to facilitate the implementation of the provisions relating to retaliation.</p>

## General provisions

1. Retaliation associated with an IRM process threatens the integrity and effectiveness of the IRM. If people who may be adversely impacted by GCF projects and programmes are prevented directly or indirectly from voicing their concerns, the environmental and social performance of GCF projects and programmes will be undermined and redress impeded. Additionally, fear or threat of retaliation can be one reason why persons who may be adversely affected by a project or programme funded by the GCF are unable to access the IRM. The IRM also recognises that there may be occasions when people providing services to the IRM, such as mediators, interpreters, technical experts, etc., or even its own staff, may be at risk of retaliation. The protection from retaliation of all those involved in IRM processes is integral to efforts to ensure the accountable utilisation of GCF resources, and to achieve the objectives of the GCF.
2. These SOPs have been developed to facilitate the implementation of provisions of the Procedures and Guidelines (PGs) on retaliation. They also outline the IRM’s role in implementing the principles concerning retaliation that are contained in the GCF’s Policy on the Protection of Whistleblowers and Witnesses ([PPWW](#)) and Policy on Prohibited Practices ([PPP](#)), to the extent that these are applicable to the IRM.<sup>2</sup>
3. The PGs incorporate three statements of principle: 1) the GCF does not countenance any form of retaliation; 2) the IRM recognises its limits in protecting those at risk of retaliation and; 3) the IRM will endeavor to minimise the risk of retaliation and may take all possible steps to protect those at risk. The PGs also require the development of SOPs to facilitate the implementation of the IRM’s provisions on retaliation, which is the content of this document.

<sup>2</sup> In the event of any inconsistency between the provisions of this Supporting Operating Procedure and any Board approved policies regarding the same subject matter, the Board-approved policies shall prevail.

4. The IRM will additionally, to the extent possible, implement this Module so as to apply the principles contained in the PPWW. The provisions of the PPWW explicitly state that a Whistleblower or Witness may be a person who brings allegations and information in a grievance, complaint or reconsideration request to the IRM. If an allegation of retaliation is made in an IRM process, the Head of the Independent Integrity Unit (IIU) should be informed by the Head of the IRM or the Case Lead so that an appropriate course of action can be determined with regard to the investigation of that allegation by the IIU, while the IRM will continue to provide protection to those who are subject to retaliation. In addition, if the IRM is made aware of a risk of retaliation associated with a GCF project, but not related to an IRM process, it will inform the IIU.
5. The IRM and the IIU have signed a Memorandum of Understanding (MOU) which addresses instances of overlap in jurisdiction between the IRM and IIU in terms of handling allegations relating to retaliation. In accordance with this MOU, “if a complainant, witness or other person associated with a complaint or grievance being processed by the IRM also reports the retaliation to the IIU, the Heads of the IUs will consult with each other and agree on the best course of action to provide protection to the persons concerned”.
6. The IRM’s focus, in line with its TOR and PGs, is on the mitigation of retaliation risks and on the protection of persons covered by this SOP (see scope of cover below), and not on the investigation of acts or threatened acts of retaliation with a view to taking any action against the perpetrators, which falls under the mandate of the IIU. However, the IRM may need to undertake a limited investigation of the acts or threatened acts of retaliation in order to inform the protective measures which it takes. The IIU’s investigation may also need to be tailored in relation to acts or threatened acts of retaliation which occur in the context of an IRM process.
7. Depending on the nature of the retaliation risk, other GCF policies such as the Indigenous Peoples Policy ([IPP](#)), the [Gender Policy](#) and/or the Sexual Exploitation, Abuse and Harassment ([SEAH](#)) Policy, may also be taken into account in conjunction with this Module.

### Scope of ‘retaliation’

8. For purposes of this Module, ‘retaliation’ means any detrimental act, direct or indirect, recommended, threatened or actually taken against any person described in paragraph 10 or 11 below.
9. Retaliation may include, for example, harassment, threats, violence, damage to property, discriminatory treatment, impairing or harming, or threatening to impair or harm directly or indirectly, any relevant person or the property of the person, the withholding of any entitlement, and dismissal from or deterioration in terms and conditions of employment or any other office. This encompasses both active forms of retaliation (e.g. physical violence, dismissal) as well as more passive forms of retaliation (e.g. withholding of promotions, exclusion from participatory processes). The term ‘risks’ refers to risks of retaliation throughout this Module.

### Scope of cover

#### Persons addressed by this Module

10. Protection from retaliation in accordance with this Module applies to any person, group, community or organisation who has, or might have, were it not for a threat of retaliation:
  - submitted a grievance or complaint or reconsideration request to the IRM; and/or
  - shared information with the GCF or the IRM in connection with a potential or submitted grievance or complaint or reconsideration request; and/or

- become involved with or assisted the IRM in carrying out its functions related to grievances or complaints or reconsideration requests, for example as a staff member, consultant, mediator, interpreter, driver, advisor, or technical expert.
11. Protection from retaliation also applies to a person closely associated with, or a child, parent, sibling or partner of, any such person referred to above. Whether someone is 'closely associated' with those listed above is a factual assessment that the IRM will make based on the relationship with the person, involvement in the facts of the case as a protagonist or antagonist, or involvement in the retaliation and/or in the IRM processes.

#### Duration of cover

12. The contents of this Module, and the mitigation and protective measures offered to those addressed by this Module as defined above, remain valid throughout the processing of the grievance, complaint or reconsideration request, from the determination of eligibility until the case has been closed. However, while the IRM will not proactively consult or communicate with complainant(s) or requester(s) on concerns of retaliation if a case has been declared ineligible, after a case has been closed and/or after the persons facing the risk state that they no longer believe themselves to be at risk, the contents of this Module may remain applicable, under the condition that the retaliation, or threat thereof, relates to the IRM process. Under these circumstances, those affected should, wherever possible, raise their concern of continued risks of retaliation with the IRM by any means available to them.

#### Statements of principle

##### Zero tolerance

13. In line with the GCF's WWPP and PPP which take a zero-tolerance policy on retaliation against whistleblowers and witnesses, the IRM does not countenance retaliation against a complainant, requester or any other person involved in an IRM process.

##### Minimising risks and applying protection

14. The IRM recognises that retaliation is a serious risk that may arise out of submitting or assisting with a grievance, complaint or reconsideration request being processed by the IRM. The IRM therefore shall endeavour to proactively minimise the risk of retaliation in relation to the implementation of its functions and may take all possible steps within its means to protect those at risk. These actions will be conducted with the full consultation and consent of persons affected, except in emergency circumstances where there is imminent threat to life or property.

##### Recognising limits

15. While the IRM is committed to minimising the risks of retaliation in relation to its processes, it also recognises the limitations it faces in its ability to mitigate risks and protect those involved. The IRM does not have a continuing presence at GCF project or programme locations nor established channels of communication with all those who may, where appropriate, be invited to use their good offices to minimise risks of retaliation. The IRM has no direct power to physically protect persons involved in IRM processes and does not purport to replace national or international judicial bodies, or law enforcement agencies whose functions include protecting the public in such situations. In addition, the GCF and its staff do not have privileges and immunities in all countries in which it operates and therefore may lack legal protection if they were to become involved in protecting complainants or requesters from retaliation, particularly from governments themselves.
16. As stated above, the IRM's role in relation to retaliation concerns that are raised in the context of its processes is to protect those who face risks of retaliation, not to investigate the acts of

retaliation or take action against the perpetrators, such as the imposition of administrative remedies and exclusions, or suspension of Accreditation or other such measures. The IRM is not mandated to investigate acts of retaliation with a view to dealing with the retaliators, except to the extent necessary to assess the risk and/or provide protection to persons covered by this SOP. The IIU's function is to investigate acts and threatened acts of retaliation as one of the GCF's Prohibited Practices.

17. As part of its communications with all complainants or requesters, the IRM shall strive at all times to be realistic and transparent in its communications concerning what it can do to ensure that expectations are managed early on in the complaints or requests process. This shall include, for example, informing the complainant or requester of the limits of the IRM's actions and explaining the kinds of interventions that the IRM can provide.

## Components of cover

### General principles

18. The IRM's approach to addressing issues of retaliation is based on ongoing, extensive and consultative engagements with the complainants, requesters and other persons who may be affected by retaliation. This will be initiated immediately following the eligibility determination, when the risk assessment is conducted, and will apply throughout the case process. Where the complainant is a group or community, the IRM will use participatory and transparent approaches to ensure that representation is fair and adequate. Prevention and/or mitigation measures adopted by the IRM following consideration of risks will be based on efforts to seek and take into consideration any stated wishes of persons at risk of retaliation, except in emergency circumstances where there is imminent threat to life or property. When implementing this Module, the IRM should take particular care to ensure that its approach to assessing and addressing risks and the way it communicates this to affected people does not itself directly or indirectly increase risks of retaliation.
19. During a complaint or reconsideration process, the IRM will attempt to ensure that there is adequate continuity of care. The IRM understands that the development of trust between affected persons and members of IRM staff is an important part of effectively and efficiently fulfilling its functions. Especially in light of retaliation concerns, it is important that complainants and requesters trust those involved in the process. Therefore, in each case, complainants and requesters will have a focal point throughout the IRM process, with whom they are able to discuss concerns of retaliation. This person will also take care in assisting the complainants or requester when transferred between separate processes and people, to ensure that trust is established. This will generally be achieved by an IRM staff member involved in problem-solving, continuing to be the focal point only for retaliation concerns during compliance review, if any.
20. The IRM is aware that risks of retaliation and threats of retaliation are likely to affect vulnerable and marginalised groups, such as indigenous people, disproportionately and in different ways. The IRM will incorporate this understanding into all its measures in addressing retaliation, maintaining a high level of inter-cultural sensitivity and appropriateness.
21. Preventive, mitigation or protective measures will be tailored to the circumstances and to the risks under consideration. The IRM takes a flexible approach to its response to retaliation. This response will be based on consultation with the person(s) affected and, where appropriate and necessary, civil society organisations (CSOs) with experience in these contexts, and will reflect the specificities of the case and its context. In addition, the IRM takes a risk-based approach, where the measures undertaken are proportional and reflective of the severity and nature of the risks involved.

22. Measures may be developed and/or implemented in consultation with the GCF Secretariat and/or the IIU as appropriate, as well as with other organisations or with persons with specific expertise in protecting persons at risk. This may include the relevant Accredited Entity (AE), the Grievance Redress Mechanism (GRM) of the AE and/or Independent Accountability Mechanisms (IAMs) of co-financing partners, where relevant and appropriate. The IRM may also, through the Head of the IRM, make recommendations to the Executive Director of the GCF and/or to the GCF Board that appropriate and proportionate measures, to the extent within the power and authority of the GCF, be taken to safeguard persons at risk of retaliation. Any such measures which have budgetary or other financial implications shall be subject to GCF Board approval, if they are not already covered by budgetary provisions in the IRM's GCF Board approved budget.

### Risk assessment

23. A risk assessment will be conducted in every grievance, complaint or reconsideration request submitted to the IRM, including in self-initiated inquiries conducted by the IRM. This will be conducted immediately, during the eligibility determination. This will be facilitated by the Case Lead, with assistance from other members of IRM staff where necessary.
24. This assessment will be conducted through research from publicly available credible sources on the history and patterns of retaliation in the context of the project location (country, and if possible local region). This may include the funding proposal and its annexes as these documents may include risk assessments for the project. In conjunction, the IRM will contact relevant international and local CSOs for information of the nature and likelihood of retaliation risks in the region. Most importantly, the IRM will in all cases engage with the complainant(s) and requester(s) to determine whether they themselves perceive any risks, to themselves or those close to them, and what the nature and likelihood of those risks may be. In addition, any person who believes in good faith that there is a risk that retaliatory action has been or may be taken against a person covered by this Module, may without delay report their belief to the IRM by whatever means are most conveniently available to them, together with as much information and documentation as possible, if any, in support of such belief.
25. The IRM will then assess the risks based on severity and in accordance with prevalent good practices on risk assessment and will use them to guide the mitigation measures and responses. This assessment, based on the sources above, will be based on a holistic understanding of the factors that may influence risk. This may include, for example, whether the complainant is an individual or community; the gender, ethnicity, class or age of the complainant; any previous experience they have had of retaliation, or whether they have been an outspoken critic of projects in the past; the type of project and the nature of the interests involved; whether the area is fragile or currently experiencing conflict; the space for public participation and protest in that country; where the retaliation is likely to come from (i.e. the government, a company or other community members); and the type and nature of possible retaliatory actions or omissions and whether the risk may apply to others involved in the case, including IRM staff.
26. The IRM risk assessment should include an analysis of the consequences and likelihood of each risk identified materializing. The severity of the consequences and the likelihood of the risk materializing can be used to rate the risk on a risk matrix. A commonly used risk matrix plots the likelihood and consequences to determine whether the risk is a low, medium or high risk, and could look as follows:<sup>3</sup>

---

<sup>3</sup> This paragraph was included in January 2021 following lessons learnt in the retaliation training undertaken by the IRM.

3 x 3 Risk Matrix

L I K E L I H O O D	Likely	Medium Risk	High Risk	Extreme Risk
	Unlikely	Low Risk	Medium Risk	High Risk
	Highly Unlikely	Insignificant Risk	Low Risk	Medium Risk
		Slightly Harmful	Harmful	Extremely Harmful
	CONSEQUENCES			

27. Following this assessment, the Case Lead should prepare a record of information related to such risks in the Case Management System (CMS) and on the internal case file. The information should be used to brief IRM staff and consultants involved in the case, and may, in appropriate circumstances and subject to confidentiality, be shared with the IIU or relevant Secretariat staff. The content of the entry on the CMS and internal case file will depend on the circumstances of the grievance, complaint or reconsideration request, but may for example include a note of:
- (i) sources of information on the retaliation risks;
  - (ii) risk assessment;
  - (iii) the nature or type of any risks;
  - (iv) the inputs of those affected by the risks;
  - (v) the severity of the risk (low, medium, or high) based on the risk analysis/risk matrix;<sup>4</sup> and
  - (vi) a note of actions to be taken and of any discussions and/or commitments made by the GCF Secretariat or, as appropriate, third parties such as AEs, National Designated Authorities (NDAs), CSOs, etc.
28. The assessment of risk is an ongoing process, and the IRM should seek to inform itself of risks of retaliation to persons involved in IRM processes on a regular basis. As the case progresses, or as further information is acquired from site visits, credible media sources, third parties, etc. this record of information should be updated and where necessary, the risk assessment be amended. In particular, the assessment may be amended when a person addressed by this module is actually threatened or retaliated against. Where possible and available, the persons affected should send all evidence of threats or actual retaliation to the IRM.

---

<sup>4</sup> This example was included in January 2021 following lessons learnt in the retaliation training undertaken by the IRM.

29. The IRM may in addition from time to time seek information or guidance from GCF staff and/or the IIU to assist it to gather information on events or risks of retaliation associated with IRM processes.

### Communication plan

30. After a complaint or request is determined to be eligible, the case lead should prepare a communication plan. The communication plan should be updated regularly and should consider and identify all potential parties that will need to be communicated with throughout the processing of the complaint or request. In relation to each party, the communication plan should consider what the purpose of the communication is, what communication channels will be used, and how frequently each party will be communicated with. While a communication plan serves other purposes as well, it can assist to ensure that appropriate anti-retaliation measures are taken. Proper planning around who will be communicated with, and how they will be communicated with, will assist the IRM in implementing appropriate protection measures for parties at risk of retaliation.<sup>5</sup>

### Prevention and mitigation measures

31. The measures proposed will be based on the findings of the risk assessment, and will be implemented in alignment with the likelihood and severity of the risk. In other words, the response of the IRM will be proportional to the risk. IRM staff and consultants should ensure that the Head of the IRM is informed of all communications concerning a belief of a risk or act/s of retaliation.
32. In line with the general principles of this module, the IRM will take a flexible and context-specific approach to designing and implementing mitigation measures against retaliation and these will be done in full consultation and agreement with the person(s) affected, other than where there is an imminent threat to life or property or similar emergency situations. Therefore, while specific measures for specific risks cannot be clearly stipulated, indicative examples of measures that may be taken in the context of active grievances, complaints and requests include:
  - a) **Confidentiality:** Confidentiality is one of the main measures that can be taken in order to mitigate against retaliation risk. Confidentiality may be invoked in two ways: i) it may be requested by complainants or requesters, those at risk from retaliation, or those with information on the nature of any risks of retaliation, or ii) even when consent to restricted or general disclosure is granted, if in the view of the Head of the IRM and in light of information available to the IRM, disclosure of such information might result in retaliation or increased risks of retaliation, the IRM will not disclose information. Following a request for confidentiality, the IRM shall seek to clarify the extent of the non-disclosure requested and will inform the person affected of the extent to which confidentiality can be ensured. Basic principles that should be applied in protecting confidential information include limiting access to those who “need to know”; documenting who has access; labelling and storing document appropriately; and planning for scenarios in which the information is accidentally disclosed.<sup>6</sup> The provision of confidentiality is subject to the provisions of the GCF’s Information Disclosure Policy (IDP) and PPWW and the IRM’s PGs.
  - b) **Means of communication:** The choice of appropriate communication channels between the IRM and person(s) affected will be determined by both the accessibility to the person

---

<sup>5</sup> This paragraph was included in January 2021 following lessons learnt in the retaliation training undertaken by the IRM.

<sup>6</sup> This sentence was included in January 2021 following lessons learnt in the retaliation training undertaken by the IRM.

affected and security concerns. IRM staff and consultants should adopt a high level of care during telephone, online voice communications, in correspondence and during face-to-face meetings. They should avoid discussions related to grievances and complaints in public places or in the presence of person(s) believed not to be involved in such grievances, complaints and requests.

During initial engagements with the person(s) affected, prior to any active threat or act of retaliation, alternative means of communication should be established in case of emergency. The IRM may also decide at any time to limit or restrict communications with an at-risk person if the IRM has reason to believe that they could face retaliation in consequence of such communication. If a decision is made to limit communication the IRM should, where feasible, take reasonable steps to explain its rationale in an appropriate communication. Any restriction on communication should be proportionate in time and extent to any risk of retaliation and should be guided by the need to prevent and mitigate the risk.

- c) **Site visits:** On occasion, site visits by IRM officers and/or consultants may increase risks of retaliation. The involvement of parties involved in grievances, complaints and requests when planning and preparing for site visits or face-to-face meetings during problem-solving, compliance investigation, and monitoring can help to mitigate risks. For example, the IRM can seek the input of stakeholders to identify appropriate locations and/or means of transportation for face-to-face meetings. In addition, if based on available information, the risks associated with face-to-face meetings during site visits are considered high, the IRM may propose alternative means to meet during site visits, including virtual communication via secure channels (where this is legal).

When documenting or recording information during site visits, IRM staff and consultants should consider how best to protect information. For example, when risks of retaliation are high, it is important that relevant physical and electronic information is securely stored and that electronic information is protected through means such as encryption or password protection. This is particularly relevant if IRM staff go to countries without privileges and immunities where there is no legal protection from search and seizure.

Photographs should not be taken in the course of any IRM processes in such a way as to allow for the identification of individuals or locations if there is any risk of retaliation or if consent has not been explicitly and freely given.

- d) **External service providers** (e.g. interpreters/mediators/technical experts, drivers): Where external providers are asked to provide a service for the IRM, they are contractually obliged to abide by all applicable GCF policies, including the TOR and PGs of the IRM. The IRM will take steps to ensure that they understand that their confidentiality obligations mean that they must not disclose confidential information concerning IRM processes to third parties, the GCF Secretariat or the other two IUs of the GCF or the GCF Board, unless otherwise required by GCF policies.

The IRM will also discuss with any external service provider whether and/or what risks they may face in consequence of association with an IRM process. Particular care may need to be taken to ensure that the IRM maintains security of personal information about external service providers who are or may be at risk from retaliation. IRM staff should also familiarize themselves with the Administrative Instruction on Protection and Privacy of Personal Information.

- e) **Problem-solving:** In a problem-solving process, the IRM may also work with the parties to help to create a safer environment for engagement. This may include reiterating the GCF and IRM's zero tolerance position on retaliation and/or working on building the capacity

of the parties to understand retaliation and the IRM's policies. In addition, where there are risks of retaliation and/or the complainant has requested confidentiality, the IRM may avoid face-to-face meetings, electing to conduct problem-solving using mediators as intermediaries. On occasion, it may also be appropriate following consultation with affected persons to approach other actors including, for example, local authorities or respected persons for assistance in creating an environment conducive to problem-solving and that lowers risk of retaliation.

- f) Cooperation with the GCF Secretariat, other two Independent Units (IUs), AEs, NDAs and third parties:** The IRM may seek information or guidance from GCF personnel, including staff of the other two IUs as appropriate, to gather information on risks of retaliation. The IRM may also, through the Case Lead and/or the Head of the IRM, request that persons who are in a reasonable position to mitigate the risks of retaliation, including staff within the GCF Secretariat, interact with the AE, Executing Entity (EE), local or national authorities and/or others for the purposes of preventing or mitigating any risk of retaliation relating to an IRM process. Particularly in cases when the IRM becomes aware of a high and/or immediate risk of retaliation, it may, where appropriate and necessary, advise relevant members of the GCF Secretariat and/or GCF Board.

In addition, the IRM may refer persons at risk of retaliation to third parties who may be in a position to assist beyond the capacities of the IRM or the GCF. This may include, amongst others, human rights defence organisations, the United Nations Special Rapporteur on Human Rights, national authorities, CSOs and whistleblower attorneys. This will be done through appropriate channels, either directly, through embassies, NDAs or the GCF Secretariat, in accordance with guidance from the GCF Secretariat with regard to such communications applicable to notes verbale.

On occasions where there may be risks of retaliation faced by IRM staff, these risks should be reported to the Head of the IRM and/or the IIU for action, with coordination with the GCF Secretariat Security team as needed.

- g) Public statements:** The IRM is aware that public statements reiterating the GCF's zero tolerance towards retaliation, in support of complainants and requesters and/or in support of a collaborative problem-solving process can be an effective way to minimise the risk of retaliation if the source of the threat is external. Therefore, where deemed necessary and appropriate, the IRM may make public statements to this effect, which may be done in collaboration with the complainants or requesters, the GCF Secretariat, CSOs and/or NDAs, where agreed.

33. IRM staff should be cognisant of the MOU on retaliation between the IRM and IIU. If a complainant, witness or other person associated with a complaint, grievance or reconsideration request being processed by the IRM, also reports the retaliation to the IIU, the Heads of the IUs will consult with each other and agree on the best course of action to implement appropriate prevention and mitigation measures.

### Responding to retaliation

34. When any IRM staff member or consultant receives information that an act of retaliation has occurred, the Head of the IRM and, as appropriate, the Case Lead, should be notified. The IRM will immediately seek the views of affected persons on possible protective responses to prevent further or more severe acts of retaliation. Any proposed protective measures will prioritise the safety and well-being of persons at risk of retaliation. As stated above, the IIU will also be notified with a view to conducting an investigation of the acts or threatened acts of retaliation and taking action against the retaliator. The IRM may also request the GCF Secretariat for its assistance to use its good offices with regard to reducing the risk of

retaliation. The Head of the IRM will normally initiate discussions with the Head of the IIU about immediate steps that could be taken to enhance the security of those who may be at risk of further retaliation.

35. The Head of the IRM will approve a course of action to provide protection to those retaliated against or threatened with or at risk of retaliation, with a view to sensitively corroborating facts and circumstances necessary for developing a protective response, through appropriate means. The IRM may also seek guidance and assistance on a confidential basis from GCF staff or, as appropriate, other organisations such as monitoring groups or individuals in the country where the act/s of retaliation have occurred to identify and record information relevant to the act/s. Such guidance and assistance may be sought by the Head of the IRM or, at his or her direction, the Case Lead or other appropriate IRM officer.

### Dissemination and learning

36. The IRM may reflect significant instances of retaliation in its reports. If it does so, it should respect confidentiality in accordance with the PGs, the IDP, the PPWW and the SOPs.
37. The IRM's experiences in dealing with threats or instances of retaliation should also be used as a source of learning, both internally within the IRM, and in the GCF more broadly. The IRM will keep a systematic record internally of lessons learned and will incorporate them into the practices of the IRM in addressing issues of retaliation. The IRM will, and where agreed, in consultation with the IIU, maintain a unified list of all allegations of retaliation to better ascertain persistent bad actors and systemic problems leading to instances of retaliation. These lessons learnt may be incorporated into this Module by the Head of the IRM at her/his discretion. This Module should be reviewed and made publicly available for consultation from time to time but at least every 3 years. Learning from cases as well as experiences from international best practice may also be the subject of advisories to the GCF Secretariat, as part of the advisory function of the IRM.
38. Additionally, the content of this module and the lessons learned will be incorporated into the outreach and capacity-building functions of the IRM in order to make CSOs and communities aware of the IRM's approach to addressing retaliation and to capacitate GRMs of Direct Access Entities (DAEs) on how to address retaliation themselves.