

ANNEX 3

SURVEY QUESTIONS FOR USERS OF THE MECHANISMS

(The following survey was sent to CSO networks in April 2015)

INTRODUCTION

This survey is intended for all CSO representatives who have supported and/or filed complaints with grievance mechanisms. It focuses on the mechanisms of International Financial Institutions (IFIs), but also includes some other financial institutions.* If you want to share information on specific mechanisms, but you have no experiences with filing or supporting complaints, please contact us at the email address below.

This survey is designed to collect information about your experiences with and knowledge of grievance mechanisms. The information will be used for a research report evaluating the effectiveness of the grievance mechanisms. This report will be presented at the annual Independent Accountability Mechanisms' (IAMs) meeting, which is likely to take place in September 2015.

Please share your experiences, lessons learned and information you think is important for other organisations and the mechanisms to know. Possibly, you might not be in the position to answer every question, or some questions might not relate to your experiences. In those cases, you can skip the question.

The assessment you are about to make, by filling out this survey, is based on the UN Guiding Principles (UNGPs). Each of the principles will be further introduced to you in the course of filling out of the survey.

This research is a joint initiative of several civil society organisations, including: Accountability Counsel, Bankwatch, Both ENDS, CIEL, Counter Balance, FUNDEPS, Inclusive Development International, Natural Justice and SOMO.

If you have any questions or comments on this survey, the research or other related issues, do not hesitate to contact the coordinator of the research Violet Benneker at: V.Benneker@SOMO.nl.

Please note that the survey will close on 30 April 2015.

*These include: Canadian Office of the Extractive Sector, Japan Bank for International Cooperation, Japan International Cooperation Agency, Brazilian Development Bank, Export Development Canada, Australian Export Finance and Insurance Corporation, Dutch Development Bank and the German Development Bank.

GENERAL INFORMATION

- **Your name**
- **Name of organisation***
- **Country**
- **E-mail address**

*If you worked for a different organisation when you supported or filed the complaints with the mechanism you want to assess, please state the name of that organisation here.

- **Which Mechanism would you like to assess?**
- **How many cases have you supported and/or filed with this Mechanism?**

Please list the names of the complaints you supported and/or filed with this Mechanism and the date when the complaint was filed (MM/YYYY). Also indicate when the complaint was filed in an organisation's own name, so not on behalf of an affected population.

- **Which function of the Mechanism do you want to assess?**
 - Dispute resolution/Compliance review/Both

LEGITIMACY

The legitimacy of a Mechanism entails that it should enable "trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes".

CONCERNING YOUR EXPERIENCES WITH THE MECHANISM:

- **You trust the Mechanism to deal with your complaint(s) in a fair manner.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **The Mechanism is open to your feedback if you think the process of your complaint(s) is unfair.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

CONSIDERING YOUR EXPERIENCES WITH THE BANK:

- **In dealing with your case(s), the Mechanism is sufficiently independent from the Bank's Staff.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **The Bank's Staff never interfere in the Mechanism's handling of your complaint(s).**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

Please use the space below if you want to elaborate on any of the questions.

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ACCESSIBILITY

The accessibility of a Mechanism entails that it should be "known to all stakeholder groups for whose use they are intended, and provide adequate assistance for those who may face particular barriers to access".

CONSIDERING YOUR EXPERIENCES WITH THE MECHANISM:

- **The Mechanism's procedures are easy to follow.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **The Mechanism's criteria for filing a complaint are too burdensome.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **It is easy for you to contact the Mechanism for questions or advice on your case(s).**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

CONSIDERING YOUR EXPERIENCES WITH THE BANK:

- **The Bank's Staff never create obstacles to filing complaints with the Mechanism.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

Please use the space below if you want to elaborate on any of the questions.

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PREDICTABILITY The predictability of a Mechanism entails that it should “provide a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation”.

CONSIDERING YOUR EXPERIENCES WITH THE MECHANISM:

- **You know what to expect of the Mechanism during your complaint's process.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **The Mechanism is clear in which outcomes you can expect for your complaint(s).**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **The Mechanism always meets its deadlines.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

CONSIDERING YOUR EXPERIENCES WITH THE BANK:

- **The Bank's Staff always follow the Bank's procedures in responding to the Mechanism.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know.
 - **The Bank's Staff always commit to address findings of non-compliance.***
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- * If you are assessing the dispute resolution function, please fill out 'Don't know'

Please use the space below if you want to elaborate on any of the questions.

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EQUITABILITY The equitability of the Mechanism entails that it should “seek to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms”.

In your case(s), to what extent does the Mechanism support participation in the complaint process (i.e. providing translators, covering travel expenses, etc.)? It never provides resources/It provides insufficient resources/Neutral/It sometimes provides sufficient resources/It always provides sufficient resources/Don't know

- **To what extent is your role, as the complainants' adviser and/or supporter, respected by the Mechanism?**
 - Completely not respected/Not respected/Neutral/Respected/Completely respected/Don't know
- **The Mechanism provides you with the same information as the Bank and the company which obtained the loan.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

Please use the space below if you want to elaborate on any of the questions.

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TRANSPARENCY The transparency of a Mechanism entails that it should “keep parties to a grievance informed about its progress, and provide sufficient information about the Mechanism's performance to build confidence in its effectiveness and meet any public interest at stake”.

CONCERNING YOUR EXPERIENCES WITH THE MECHANISM:

- **The Mechanism keeps you informed on the steps it is taking in the process of your complaint(s).**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **When the process of your complaint(s) is different than expected, the Mechanism explain why.**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

TO WHAT EXTENT DOES THE BANK'S STAFF

- **Publish sufficient information on projects, such that you can make use of the Mechanism?**
 - Completely insufficient/Insufficient/Neutral/Sufficient/Absolutely sufficient/Don't know
- **Consult with you or the complainants on the preparation of an action plan?**
 - Completely insufficient/Insufficient/Neutral/Sufficient/Absolutely sufficient/Don't know

Please use the space below if you want to elaborate on any of the questions.

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RIGHTS COMPATIBILITY The UN Guiding Principles state that when outcomes and remedies “have implications for human rights, care should be taken to ensure that they are in line with internationally recognized human rights”.

The rights-compatibility of outcomes will be judged on a case-by-case basis in a different part of this research project. For this survey, we are specifically interested in the extent to which you believe the complainants were given sufficient remedy.

- **For the cases you have supported or filed, the complainants were given what they deserved.**
 - Never/Hardly/Sometimes/Often/Always/Don't know
- **Please elaborate on why you believe the complainants were not given what they deserved.**
- **Have you ever feared for acts of retaliation because you supported or filed complaints with this Mechanism?**
 - Never/Hardly/Sometimes/Often/Always/Don't know
- **If positive, please elaborate.**
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LEARNING PROCESS A Mechanism should be willing to learn, as it is supposed to “draw on relevant measures to identify lessons for improving the Mechanism and preventing future grievances and harms”.

CONSIDERING YOUR EXPERIENCES WITH THE MECHANISM:

- **Where needed, the Mechanism improves its practices and/or policies in response to your case(s).**
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

CONSIDERING YOUR EXPERIENCES WITH THE BANK:

- **The Bank improves its policies and/or practices in response to the Mechanism's compliance investigations of your case(s).***
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know
- **The Bank improves its policies and/or practices in response to the Mechanism's dispute resolution processes of your case(s).****
 - Disagree completely/Disagree/Neutral/Agree/Agree completely/Don't know

* If you are assessing only the dispute resolution function, please fill out 'Don't know'

** If you are assessing only the compliance review function, please fill out 'Don't know'
- **Are there regular reviews of the Mechanism?**
 - Yes/No/There are reviews, but not on a regular basis/Don't know
- **Is there an opportunity for you to provide input on those reviews?**
 - Never/Hardly/Sometimes/Often/Always/Don't know

YOUR OVERALL OPINION

- **On the basis of your experience with supporting or filing complaints with this Mechanism, how would you rate the quality of this Mechanism?**
 - 1 very poor to 10 excellent
- **What is your overall assessment of the usefulness of this Mechanism?**
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CASES

We are also interested in cases that were active or closed between 1 July 2014 and 30 June 2015, for this or any other Mechanism we are researching.

- **Are you, or have you been, involved in such a case?**
 - Yes/No/Yes, more than one

[Logic applied in questionnaire: Yes = more questions on one case / No = to end of survey / Yes, more than one = more questions on more cases]

→ YES:

- **Is it an active case?**
 - Active/Closed
- **If closed, why was the case closed?**
 - It was declared ineligible/The compliance assessment report was published/An agreement was reached between the parties/Other, please specify
- **If active, please indicate in which stage of the mechanism's process your complaint currently is.**
- **Please state the name of the case and the mechanism it was filed with.**
- **Can we contact you about this case?**
 - Yes/No

→ YES, MORE THAN ONE:

- **Are these active or closed cases?**
 - Active/Closed/Some active, some closed
- **Why were the cases closed?**
 - They were declared ineligible/The compliance assessment reports were published/Agreement was reached between the parties/Other, please specify
- **Please state the names of the cases and the names of the mechanisms they were filed with.**
- **Can we contact you about these cases?**
 - Yes/No

END Thank you for filling out this survey. We will inform you when the research report is published.

If you want to assess another mechanism, or another function of the same mechanism, first, click 'Done'. You can then start a new assessment by again clicking on the link that was e-mailed to you.

If you have any questions or comments on this survey, the research or other related issues, do not hesitate to contact the coordinator of the research Violet Benneker: V.Benneker@SOMO.nl