

RSPO Policy on the Protection of Human Rights Defenders, Whistleblowers, Complainants and Community Spokespersons



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Endorsed by the RSPO Board of Governors, on 24th September 2018



- **Affiliates:** An affiliate is an entity directly or indirectly controlling, being controlled by, or under common control of an RSPO member, including subsidiary organisations and sister companies.
- **Crisis:** An actual and critical event which has caused significant harm to HRDs and/or their family members.
- **Human Rights Defenders:** Individuals, groups and associations who promote and protect universally recognised human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental Human Rights Defenders ¹, whistleblowers, complainants and community spokesperson. This definition does not include those individuals who commit or propagate violence.
- **Manifestly Dangerous Conditions:** conditions in which actions have taken place against the physical and/or psychological integrity of HRDs, or his or her family group, or against their property, and/or from an unjustified change in his/her workplace conditions.
- **Protection:** Protection against any unjustified treatment shall be provided for any person who makes a complaint in good faith and on reasonable grounds to RSPO and who finds themselves at risk because of that complaint. Protection plans will be formulated on a case by case basis with the aim of protecting the rights of the HRDs.
- **Reasonable Grounds:** when a person has substantial probable causes for believing or suspecting wrongdoing in light of available evidence.
- **Risk:** A subject that presents potential harm to the complainant from the member company and/or the industry. If managed properly, a risk can be prevented from escalating. If ignored, it may potentially evolve into an issue or crisis.
- **Third Party (ies):** Any non-RSPO entity including but not limited to local NGO partners, human rights bodies, properly trained and qualified private security personnel, national police networks.
- **Whistleblower:** Individuals who are employees or former employees who report on illegal, irregular, dangerous or unethical practices or actions by employers which contravene RSPO Code of Conduct and related key documents and who may potentially be at risk of reprisal. This includes individuals who are outside the traditional employee-employer relationship, such as contract workers, temporary workers, consultants, contractors, trainees/interns, volunteers, student workers and former employees.

¹ Individuals and/or groups who, in their personal or professional capacity and in a peaceful manner strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna (Report of the Special Rapporteur on the Situation of Environmental Human rights Defenders, 71st Session of the General Assembly, A/71/281, 3 August 2016 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/247/09/PDF/N1624709.pdf?OpenElement>). They are characterized through their actions to protect environmental and land rights. Although they may work as journalists, activists or lawyers who expose and oppose environmental destruction or land grabbing, in many cases they are indigenous leaders or community members who defend their traditional lands against the harms of large -scale development projects.

1. Purpose & Scope

- 1.1. Resolution 6(e)² adopted by the RSPO General Assembly in 2016, requires the adoption of a policy where Human Rights Defenders (HRDs), Whistleblowers, complainants and community spokespersons (hereafter referred to jointly as “HRDs”) can, in confidence, lodge complaints with the RSPO Complaints Panel on the activities undertaken by, on behalf of, or in connection with the activities of the RSPO member which may result in risks to the safety and/or security of said persons.
- 1.2. The work of HRDs in the context of RSPO is fundamental in ensuring the protection of the environment and human rights of all peoples, towards: ensuring person’s and peoples’ rights to land, securing just and safe conditions of work, combating corruption and achieving sustainable development. The work of HRDs is also important to protecting the rights of freedom of expression and association, promoting gender equality and diversity, and upholding the rule of law, conditions which are indispensable to the creation of an environment conducive to optimal working conditions for both business and civil society.
- 1.3. Defending and promoting human rights in the context of business may potentially turn dangerous, and even deadly, as complainants, including individuals, communities, workers and trade unionists face stigmatization, criminalization, enforced disappearances, and physical and psychological attacks which at times leading to death.
- 1.4. RSPO adopts a zero-tolerance policy against any threats, intimidation and reprisal against HRDs in the course of his/her work especially where the same involves direct actions by RSPO members which includes causing harm through its own acts, omissions or negligence.
- 1.5. This policy defines the scope and extent of protection that is impartial, confidential and aligned with, but not limited to, the RSPO Code of Conduct, RSPO Statutes and by-laws, and key documents, including the RSPO Complaints and Appeals Procedures (“CAP”).
- 1.6. For the purposes of this Policy, human rights defenders include individuals, groups and associations who promote and protect universally recognised human rights and contribute to the effective elimination of all forms of violations of human rights and fundamental freedoms of individuals and peoples. This definition includes Environmental Human Rights Defenders³, whistleblowers, complainants and community spokesperson This definition does not include those individuals who commit or propagate violence.

2. Fundamental Principles for the Protection of HRDs:

2.1. Peaceful Resolution of Disputes

RSPO believes in the resolution of disputes through non-violent and peaceful means that promote the dignity of people and respect the rights of all. Violence and threats have no place in the RSPO’s process.

2.2. Confidentiality

RSPO is committed to the safeguarding of individual identities and confidential information shared by the parties. RSPO will respect a party’s explicit request for confidentiality and, to the fullest extent of the law, protect the party’s right to confidentiality for as long as they choose to engage in this RSPO process and after it has been closed. This process can start as early as inquiries to the office before lodging a complaint, and carries through the eligibility, the assessment, dispute resolution and/or compliance process, and any related advisory work.

² See Resolution GA13 6(e)

³ Individuals and/or groups who, in their personal or professional capacity and in a peaceful manner strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna (Report of the Special Rapporteur on the Situation of Environmental Human rights Defenders, 71st Session of the General Assembly, A/71/281, 3 August 2016 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/247/09/PDF/N1624709.pdf?OpenElement>). They are characterized through their actions to protect environmental and land rights. Although they may work as journalists, activists or lawyers who expose and oppose environmental destruction or land grabbing, in many cases they are indigenous leaders or community members who defend their traditional lands against the harms of large -scale development projects.

2.3. **Anonymity**

Where HRDs request for anonymity, such requested shall be respected provided that the HRDs is able to provide the following information to the RSPO Secretariat:-

- a) Name and contact details of the HRDs and/or victim;
- b) The name and contact details of the complainant/HRDs/victim;
- c) A clear and concise summary of the allegations and chronology of events related to the allegations of threats.

In the event there is a need to waive anonymity, the HRDs will be consulted and consent sought before any action is taken to reveal the HRD's identity.

2.4. **Participation and Informed Consent:**

From the start and throughout the process, RSPO will always seek the informed consent of the complainant/s before any action in relation to threats or incidents of reprisal are undertaken on their behalf. This shall include assessment of risks of threats or incidents of reprisals and to help devise an appropriate response or action. Where risks of reprisal are present, RSPO will inform and agree on possible responses with the complainant(s) beforehand especially in cases where the complainant cannot be easily reached.

In this context, the RSPO will explain the limitation of its mandate and capability in this field as the RSPO strives to be realistic and transparent in its description of what it can and cannot do in such circumstances, as set out in this policy.

2.5. **Conflict of Interest**

Any potential or perceived conflict of interest which compromises the impartiality in meeting the duties/tasks of this policy, jeopardising or threatening the safety and/or protection of the HRDs must be disclosed at the outset of the complaint by everyone involved in the management of the complaint including (but not limited to); members of the Complaints and Appeals Panel, the RSPO Secretariat and/or any third party/NGO partners who may play a role in the protection of the HRDs.

2.6. **Equality and non-discrimination**

HRDs shall not be discriminated against the full range of their human rights as a result of their work. The right to defend human rights must be guaranteed without discrimination, and measures to protect HRDs should be reflective of the specific needs of defenders facing multiple forms of discrimination. A gender and diversity sensitive approach should be mainstreamed into all activities to strengthen the protection of HRDs.

2.7. **Prevention**

2.7.1. RSPO will adopt a risk-based approach in assessing and monitoring situations and areas that have been identified as high risk for HRDs. The monitoring and related actions is to ensure that these risks do not escalate into a crisis.

2.7.2. RSPO Members are:

- 2.7.2.1. Required to have an internal policy to prevent reprisals against HRDs and protect HRDs who submit a complaint in good faith. *See Annex 1.*
- 2.7.2.2. Required to have internal mechanisms to prevent and respond to complaints against any alleged threat or violence made against or by their affiliates.

2.7.2.3. Encouraged to conduct a Human Rights Risk and Impact Assessment (“HRIA”) throughout their operations. A risk assessment should:-

- a) Allow members to identify hazards/risks associated to the areas of the members operations;
- b) Allow members to identify who may be harmed, the kinds or types of harm or potential harm, how and when they could be harmed in the areas of operations;
- c) Evaluate the risks and decide on control and mitigation measures.

2.8. **Protection:**

Protection in the context of this policy means protection against any unjustified treatment which is provided for any person who reports in good faith and on reasonable grounds to RSPO against a member and/or their affiliates. The RSPO by virtue of its Statutes, by laws and Code of Conduct shall work within its mandate to determine the extent and scope of protection. This protection may continue to be provided after a member is suspended, terminated and/or which withdrawn its membership if it has been determined by the Complaints Panel that there is a need for the protection to continue.

3. Guidelines on Protection

- 3.1. Protection will extend to HRDs who participate in or are affected by RSPO members and/or their affiliates’ activities, and other individuals who are at risk because the complaint has been made.
- 3.2. Protection may be extended to witnesses and their relatives who provide supporting information regarding the complaint⁴ if it is found that manifestly or potentially dangerous conditions exist for those assisting or attempting to assist the individual about to make an incident report.
- 3.3. The duration of protection measures will be determined by the Complaints Panel on a case by case basis and will be informed by regular assessments of the situation.
- 3.4. Protection plans will respond to the risk to each individual and to the characteristics of their claim (formulated on a case by case basis). RSPO shall take into account the specific challenges and needs of HRDs⁵, including gender, ethnic affiliation, age, leadership position, geographical location and place of residence.
- 3.5. Cases of sexual violence against HRDs will be attended to by qualified personnel and/or expert. The HRDs must be consulted during each step of the process.
- 3.6. Special protection measures shall be taken when dealing with women⁶ HRDs. These measures should:
 - a) Specifically involve gender experts and those working on women’s human rights in any consultations in the context of protection to ensure violations against women are promptly and impartially investigated and appropriate action is taken thereafter;
 - b) Ensure that the specific risks and security needs of women are addressed from the outset of the complaints/reporting process.

⁴ This includes limits on disclosures of their identities depending on a case by case basis

⁵ In the case of EHRDs concerns and subsequent efforts often intersect both State and corporate interests and as a result they often find themselves vulnerable to abuses by the State as well as other powerful economic actors.

⁶ A gender perspective must be applied, many violations against Women HRDs (“WHRD”) can be directly linked to patriarchy, sexism, racism, xenophobia and chauvinism. WHRDs also challenge the systemic power inequality and discrimination deeply rooted in societies, often questioning patriarchy and misogyny within the own communities. As activists, they face the same threats as other HRDs but they are more likely to face gender-specific violence. Reports have shown that sexual violence is particularly used to silent women HRDs (Front Line Defenders, 2016). WHRDs may be victims of female genital mutilation; rape; anger of families and communities that consider them to be jeopardizing both honour and culture or face hostility from the community in which they must continue to live. The challenges faced by WHRDs require broader analysis and understanding than those confronting men.

- 3.7. RSPO is committed to engaging with relevant stakeholders assigned to protect HRDs and/or their families to provide the needed protection to its best effort and will make all efforts not to jeopardise the situation of the HRDs, this include the gathering and dissemination of sensitive information on them for verification purposes.
- 3.8. RSPO, by virtue of its Statutes, by-laws and Code of Conduct, does not have the mandate to provide extraction or relocation of HRDs to safe houses.
- 3.9. The Secretariat is mandated and shall be responsible for the coordination, administration and communication of all aspects of the RSPO work with regards to this Policy. *See Annex 2 - Procedures.*
- 3.10. Allegations of threats against HRDs, requiring protective and corrective actions, shall be dealt with under the Complaints and Appeals Procedures (CAP).
- 3.11. Upon hearing claims which are made through the Complaints and Appeals Procedures, the Complaints Panel shall have the mandate to impose any one or more of the following sanctions on the Respondents found to have threatened and/or caused harm to the complainant and, if relevant, their families:-
 - a) urgent actions which could include a directive to cease and desist and stop the action which has caused and/or may have caused the threat;
 - b) the issuance of a warning;
 - c) suspension of RSPO membership;
 - d) termination of RSPO membership;
 - e) In cases where the CP finds the harm to the HRDs has been caused by the Respondent either directly or indirectly, the CP may order for the Respondent to provide medical or psychological assistance as deemed necessary.
- 3.12. In ensuring that the rights of the HRDs are realised, the following protective and corrective actions can be required of the RSPO Member by the Complaints Panel:-
 - 3.12.1. To promote and facilitate the teachings of Human Rights and fundamental freedoms at all levels;
 - 3.12.2. To promote and ensure freedom of information and association to enable HRDs to access the required information and internal mechanisms for protection and redress;
 - 3.12.3. To develop and adopt Standard Operating Procedures to ensure effective prevention and protection of HRDs;
 - 3.12.4. To ensure accessibility and fairness of the internal grievance mechanism in addressing allegations of threats against HRDs;
 - 3.12.5. To provide reports and/or updates to the complaints Panel on the implementation of corrective actions;
 - 3.12.6. To provide effective remedies, including compensation to the HRDs;
 - 3.12.7. To conduct open dialogue with stakeholders in creating an enabling environment as well as ensuring protection of HRDs;
 - 3.12.8. To monitor and assess their own engagement with third parties/affiliates to ensure no continued engagement with those who have been found to have a track record of violating rights of HRDs.

4. Limitation of the RSPO

- 4.1. RSPO takes the safety of complainants and others who engage with the RSPO through its Complaints process seriously and seeks to exercise its mandate in a manner that maximises its ability to respond appropriately to threats and instances of reprisal in the context of RSPO systems and processes. At the same time, RSPO endeavours to be clear about the limitations of its ability to respond to such instances of threat and reprisal. Being a standard setting scheme, RSPO does not have the ability to offer direct physical protection to complainants or otherwise safeguard people from possible consequences of engaging in a RSPO complaints process or cooperating with the RSPO.

- 4.2. Nevertheless, RSPO shall endeavour to facilitate and identify the necessary organisations in the relevant jurisdictions which will be able to provide assistance in mitigating the risks or providing additional support. In this context, organisations referred to, includes but is not limited to:-
- a) NGO focal points on the ground
 - b) National Human Rights Institutions
 - c) Regional or International Human Rights Mechanisms

5. Considerations for Other Sectors:

As part of shared responsibility, further considerations shall be developed for non-grower RSPO members.

Specific focus will be on RSPO member categories that have direct positions of influence in regard to the adoption of measures to protect human rights defenders, such as financial institutions and supply chain actors, which will be prioritized.

6. Monitoring, Evaluation & Learning Framework

- 6.1. The RSPO will initiate a periodic review of this policy and evaluate learnings from the implementation of this policy on an annual basis. This review must include key stakeholders including HRDs, CSOs, academic organisations, research organisations and RSPO members including the HRWG.
- 6.2. RSPO will regularly publish data and information on the RSPO website regarding the impacts, trends and related protection measures adopted to address the threats against HRDs and whistleblowers.

7. Budget:

The RSPO to make available, to the best of its efforts, adequate financial resources for the implementation of this policy.

8. Final Considerations

- 8.1. Should investigations by RSPO reveal that claims made by HRDs are knowingly false or misleading then RSPO may take reasonable actions to claim costs from claimants and/or those who abetted them. Where public statements have been made by the HRDs or their supporters and affiliates, including family members, linked to any false or misleading claim against an RSPO member, the HRDs will be required to publicly issue a statement of retraction or falsehood.
- 8.2. Consistent with the Membership Rules, RSPO shall conduct due diligence on the human rights record of any applicant for membership, prior to accepting the applicant as a new member of the RSPO. If the human rights due diligence raises concerns about human rights violations (including allegations that raise a real prospect that human rights violations may previously have been committed by the applicant), the applicant must provide evidence to the RSPO that sufficient redress has been sought and the complaint has been satisfactorily remedied.
- 8.3. The RSPO will initiate training and awareness-raising programmes for its members on this Policy and related mechanisms, giving due consideration to gender, diversity and geographical context.
- 8.4. The RSPO will recognise the important role which HRDs play in ensuring ethical palm oil reaches the market. RSPO may decide to issue note of censure to publicly condemn and scrutinize threats and attacks against HRDs, whistleblowers, complainants and community leaders.

ANNEX 1: GUIDELINES TO RSPO MEMBERS ON DEVELOPING A POLICY ON THE PROTECTION OF HRDs

RSPO members should commit to adopting common organisational policies on HRDs. It is recommended that RSPO members produce a stand-alone policy to protect HRDs. The policy should protect individuals and their reports, complaints or disclosures filed in good faith. All employees need to have access to accessible and reliable channels to report wrongdoing; robust protection from all forms of retaliation; and mechanisms for reporting that promote reforms that correct legislative, policy or procedural inadequacies and prevent future wrongdoing.

- 1.1. The policy should include a statement of commitment to respect international human rights standards. The policy should at a minimum refer to:
 - a) United Nations declaration on Human Rights Defenders
 - b) The Universal Declaration of Human Rights
 - c) The International Covenant on Civil and Political Rights (explicitly referencing the protection of whistleblowing as an aspect of freedom of expression under Article 19)
 - d) The International Covenant on Economic, Social and Cultural Rights
 - e) Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
 - f) The International Labour Organisation's (ILO) Declaration on Fundamental Principles and rights to work
 - g) Other regional guidelines.
- 1.2. The policy shall adopt this document as the minimum standard.
- 1.3. The policy should contain a definition of HRDs.
- 1.4. The policy should grant protection for reports made with a reasonable belief⁷ that the information is true at the time it is disclosed.
- 1.5. The policy should protect individuals against violence, threats, all forms of retaliation, direct or indirect, pressure or any other arbitrary action as a consequence of the individual's legitimate exercise of their fundamental human rights⁸ in the course of their engagement with the RSPO Member.
- 1.6. The policy should protect individuals from all forms of retaliation, disadvantage or discrimination in the workplace linked or resulting from HRD activities.⁹ The policy should preserve the individual's confidentiality. The identity of the individual may not be disclosed without the individual's explicit informed consent.
- 1.7. The policy should state that employees and workers have the right to decline to participate in corrupt, illegal or fraudulent acts.
- 1.8. The policy should state that protection against threats by the member shall be provided to individuals who have disclosed information anonymously including those who subsequently have been identified without their explicit consent.

⁷ "Reasonable belief" is defined as when a person reasonably could suspect wrongdoing in light of available evidence.

⁸ Protection must safeguard the individuals physical and psychological integrity and that of their family group, their property and their working conditions that could be threatened as a result of their report.

⁹ All types of harm, including but not limited to: dismissal, probation and other job sanctions; punitive transfers; harassment; reduced duties or hours; withholding of promotions or training; loss of status and benefits; and threats of such action.

- 1.9. The policy should provide for an independent agency to receive and investigate complaints of retaliation and improper investigations of individual's reports. The policy should ensure that the agency is provided with adequate resources and capacity to carry out these functions: or
- 1.10. The policy should include a safe and independent grievance mechanism procedure to avoid, mitigate and remedy any direct and indirect risks to individuals caused by their operations.
- 1.11. The policy to ensure that any investigation is to respect a number of essential requirements in order to be effective. It must be:
 - 1.11.1. *Adequate*, i.e., capable of leading to the identification and punishment of those responsible;
 - 1.11.2. *Thorough*, i.e., comprehensive in scope and – among other things – capable of identifying any systematic failures that led to the violation;
 - 1.11.3. *Impartial and independent*, i.e., those responsible for carrying out the investigation must be impartial and independent from those implicated in the events;
 - 1.11.4. *Prompt*, i.e., the investigation must be commenced swiftly and be completed within a reasonable time;
 - 1.11.5. And there should be a sufficient element of *transparency* of the investigation or its result to secure accountability.
- 1.12. The policy should provide a full range of remedies and must cover all direct, indirect and future consequences of any reprisals.
- 1.13. The policy should provide comprehensive training for the organisation's management and staff on the contents of this policy. The standards referenced above should be posted clearly in the workplaces where their provisions apply.

2. Recommended Whistleblowing Procedure for RSPO Members

- 2.1. Whistleblower procedures should be:
 - a) highly visible and understandable;
 - b) maintain confidentiality or anonymity (unless explicitly waived by the whistleblower);
 - c) ensure thorough, timely and independent investigations of whistleblowers' reports; and
 - d) have transparent, enforceable and timely mechanisms to follow up on whistleblowers' retaliation complaints (including a process for disciplining perpetrators of retaliation)
- 2.2. If reporting at the workplace does not seem practical or possible, individuals may make disclosures to regulatory or oversight agencies (including the RSPO) or individuals outside of their organisation.
- 2.3. In cases of urgent or grave public or personal danger, or persistently unaddressed wrongdoing that could affect the public interest, individuals shall be protected for reports made to external parties such as the media, civil society organisations, legal associations, trade union, or business/professional organisations.
- 2.4. A wide range of accessible secure reporting avenues and tools should be made available to employees, including advice lines, hotlines, online portals and compliance offices. Individuals seeking advice shall be protected.
- 2.5. Mechanisms shall be provided for safe, secure, confidential or anonymous reports.

ANNEX 2: RELATED PROCEDURES ON THE PROTECTION OF HRDs

1.1. The Secretariat is mandated and responsible for the coordination, administration and communication of all aspects of the RSPO work. With regards to this Policy, the responsibilities of the Secretariat, through the Investigation and Monitoring Unit (IMU)¹⁰ includes:

1.1.1. Management of the Risk Register

The Secretariat shall manage the risk and crisis management structure, and will implement a systematic process for understanding, evaluating and addressing the risks and issues to prevent situations from escalating into a crisis:

- a) The Secretariat will conduct risk assessment on human rights issues by including it in the internal RSPO risk register of high risk areas and specific issues, as well as regularly monitor the contributory factors;
- b) The Risk Register shall be monitored bi-weekly by the IMU and reported monthly to the Chief Operating Officer. Any identified risks or imminent threats of harm to HRDs to be referred to the Complaints Panel for action;
- c) The Secretariat shall develop an early warning detection system to estimate the likelihood and severity of risks and threats against HRDs;
- d) Possible threats and risks to be determined on the basis of the following levels:

Low Level:

Where in the course of their work in promoting human rights, the HRDs experiences any of the following threats from the RSPO Member: -

- a) loss of income due to/resulting in organisational restrictions, restrictions on travel, restrictions to the environment in which the HRDs operate, deliberate obstruction to holding of meetings between HRDs, hostility within the community the HRDs lives as claim may be seen to jeopardize the community's honour and culture (this may especially be the case with women HRDs);
- b) Character assassination of HRDs, discrediting, defamation campaigns, arbitrary use of security forces, surveillance, SLAPP (Strategic Lawsuits against Public Participation) due to his or her work and/or in the course of his/her activities.

High Level:

Where in the course of their work in promoting human rights, the HRDs experiences imminent threat to their psychological and/or physical integrity.

¹⁰ In this context, the role of the Secretariat will primarily be anchored by the Investigation and Monitoring Unit.

- 1.1.2. The Secretariat, through its designated unit shall be the initial point of contact at the Secretariat which shall then immediately ascertain the need for confidentiality and anonymity in consultation with the HRDs.
 - 1.1.2.1. The Secretariat shall respond to immediate and urgent crisis involving HRDs, including by developing a crisis detection signal.
 - 1.1.2.2. The Secretariat shall respond to crisis and determine levels of actions based on identified threats. This would include, but not be limited to, mapping the crisis, notifying the relevant actors and stakeholders, seeking advice from experts and developing and implementing a crisis action plan.
 - 1.1.2.3. The Secretariat shall be trained and be equipped with the necessary human and fiscal resources to enable the effective and prompt response to crisis related to HRDs.
- 1.2. The Secretariat through the IMU shall initiate engagement with relevant stakeholders and/or partners including national NGOs (focal points), state authorities, National Human Rights Institutions (NHRIs), regional human rights mechanisms and, international human rights mechanisms with the express permission of the HRDs.
- 1.3. Initiate post crisis management and monitoring system
 - 1.3.1. The Secretariat shall develop post crisis monitoring and management plan to facilitate the management and monitoring of actions undertaken to address crisis related to HRDs.
 - 1.3.2. The Secretariat shall also continue to map and learn from emerging trends.
 - 1.3.3. The Secretariat shall ensure accessibility to the RSPO Complaints System and the related protections as enshrined in this Policy and all other RSPO key documents.
 - 1.3.3.1. Ensure that there is timely communication and access to mechanisms for protection and redress, the IMU, together with the support of the relevant Secretariat personnel, when necessary shall;
 - a) Develop a roster of experts on HRDs, located in all regions and high-risk countries¹¹;
 - b) Establish contact with existing NGOs or other entities from various jurisdictions, which specialise in the protection of HRDs.

¹¹ Criteria in the selection of experts shall be as follows:-

- i) Experience in developing protection frameworks or engaged in direct measures for the protection of HRDs;
- ii) Extensive experience working and interacting with situations whereby human rights of individuals may have been violated or restricted as a result of their work and action in defending rights;
- iii) A thorough understanding of the challenges faced in specific locations as well as the particular protection needs of specific groups of people, such as women human rights defenders and defenders working on issues of environment or on corporate accountability issues;
- iv) A demonstrated commitment to international human rights principles and standards;
- v) Commit to carrying out their responsibility in an expeditious, fair, neutral and impartial manner. This shall include a declaration of conflict of interest and a signing of NDA for each complaint; and
- vi) Familiarity with the RSPO system.

- 1.4. The Secretariat shall identify, on a case by case basis, whether national laws require that the threat be escalated as a formal report to the relevant state authorities. Additionally, the Secretariat may be required in some cases, to comply with national laws, and especially in cases of lawsuits the Secretariat might be required to supply the HRDs' name to law enforcement or a judicial body. The Secretariat to inform the complainants of this potential limit to anonymity.
- 1.5. The Secretariat shall be equipped with the necessary human and financial resources (for all the regions in which its members operate) to enable the effective and prompt response to complaints from HRDs.

2. Consideration of Potential Threats against HRDs

- 2.1. Direct claims of harm prior to an official complaint under the CAP:
 - 2.1.1. Allegations of threats or potentially dangerous conditions shall be submitted by the HRDs to the Secretariat, via the established hotline or other secure methods of communication, including emails and mails. The claim to include the following information:
 - a) Name and contact details of the HRDs;
 - b) In the event, the complaint is made on behalf of the HRDs, the name and contact details of the complainant is required;
 - c) A clear and concise summary of the allegations and chronology of events related to the allegations of threats;
 - d) A signed declaration attesting that the information provided is accurate and true to the best of their best knowledge.
- 2.2. In all communications, the Secretariat shall maintain confidentiality, and where necessary, the anonymity of the HRDs to prevent adverse harm as a result of the complaint. The HRDs to be informed of situations where anonymity may need to be waived.
- 2.3. Upon receipt of the claim, the Secretariat to gather information and/or evidence to determine the reliability of the allegations. This could include interviews or request for written submissions. Interpreters and translators will be made available if necessary.
- 2.4. The Secretariat using the risk assessment criteria, to determine the level of threats within 72 hours.
- 2.5. As and when necessary, the Secretariat shall engage independent experts from the expert roster to facilitate the initial determination of level of threats and/or conduct subsequent investigation. The experts will make recommendations to the Secretariat on the best course of actions they should follow in line with this policy. These independent experts will be required to sign a non-disclosure agreement (NDA) with regards to any consultations and/or engagement they may have with the RSPO in relation to the information provided by the HRD/Complainant.

- 2.6. Determination of low Level threats, or those not amounting to crisis, will be escalated to the Complaints Panel to be considered under the Complaints and Appeals Procedures.
- 2.7. Crisis or high level threats will trigger the implementation of the following action, no later than 72 hours upon receipt of the claim.
- 2.7.1. Develop a crisis management plan within 72 hours, with support from an external independent expert from the expert roster;
- 2.7.2. The following measures could be adopted to provide the necessary protection to the HRDs and/or their families;
- a) To consider the following measures, with expressed consent, and/or without compromising the safety of the HRDs and their family members:
 - i. Raising the profile of HRDs through issuing of public statements (translated into the local language) on the RSPO website condemning any abuse;
 - ii. Notifying national and/or international human rights mechanism(s)¹² to take immediate action to redress the reported human rights abuses.
 - iii. If requested, may refer them to an organisation which may offer protection services.
 - b) Recommendation to cover medical/psychological costs incurred by the HRDs as a result of actions by RSPO members.
- 2.7.3. In situations where interim measures or urgent action against the RSPO member is required, an urgent ad-hoc Complaints Panel is to be constituted.
- 2.7.4. HRDs will clarify in writing¹³ their understanding that the RSPO cannot itself offer physical protection.
- 2.7.5. The RSPO shall be empowered to make the necessary arrangements and refer the HRDs to the relevant entities in the related jurisdiction.
- 2.8. Any referral to external parties would require the express consent of the HRDs and with the clear disclaimer that RSPO is unable to guarantee the safety and protection of the HRDs whilst they are in the protection of the relevant NGO or entities referred.
- 2.9. The HRDs must clarify in writing¹⁴ his/her understanding that the RSPO and the relevant NGOs or entities referred may not be able to continue to provide further protection (including safehouses) if the government issues a lawful warrant for the HRDs' arrest and the HRDs does not turn his or herself over to the authorities.
- 2.10. The Secretariat shall be responsible for the implementation of the crisis management plan adopted by the IMU, inter alia, oversee and monitor the execution of urgent actions, corrective actions and if any punitive actions.

¹² This may include the Special Rapporteur on HRDs.

¹³ Or other suitable means where HRDs are illiterate.

¹⁴ Or other suitable means where HRDs are illiterate.

- 2.11. Allegations of harm in the course of an active complaint under the Complaints and Appeals Procedures (CAP) will be dealt with as follows:
- 2.11.1. In the event of allegations of threats or where potentially dangerous conditions¹⁵ materialise in course of an active complaint under the Complaints and Appeals Procedures, said mechanism and related processes will apply in these circumstances. The confidentiality of the identity of the HRD is to be maintained. Request for anonymity can be determined on a case by case basis.
 - 2.11.2. In the course of carrying out their function in ensuring that the complainant is provided with the available protection, the Complaints Panel shall be supported by the Secretariat through the existing internal mechanisms as provided above, and if necessary through a pool of experts who would be able to support the investigation and/or advice the Complaints Panel on the measures to be taken by the RSPO.
- 2.12. Unless otherwise stated, all the provisions in the CAP shall apply to the management of complaints received in relation to threats against HRD.

¹⁵ Potentially dangerous conditions are facts or circumstances that allow the inference of possible attacks on the physical and/or psychological integrity of the HRDs/whistleblower/complainant or community leader, or his or her family group, against their property, and/or from an unjustified change in his/her workplace conditions.