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# 9 Establishing grievance redress mechanisms

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*A grievance is an issue, concern, problem or claim (perceived or actual) that an individual or group wants to have addressed and resolved. Grievance redress mechanisms are the formal systems through which stakeholders can lodge any grievances that arise relating to the design, implementation or assessment of policies. These mechanisms can take a variety of forms, although they are typically independent of the entities that are the subject of grievances. Grievance redress mechanisms are vital to safeguard policies, secure adequate protection for human rights, and ensure just transitions to greener and low-carbon economies.*

## Checklist of key recommendations

- Provide the necessary legal instruments to enable the grievance redress mechanisms to deliver a response, to provide redress, or to pass the grievance to a more powerful decision-making body such as in the justice system or government
- Establish grievance redress mechanisms that are accessible to all stakeholders, socioculturally appropriate, gender-sensitive and tailored to the local context
- Ensure the impartiality and independence of grievance redress mechanisms, employing a consistent, credible and objective approach in all investigations and decisions
- Secure the safety and rights of all stakeholders who use grievance redress mechanisms, where necessary ensuring anonymity and/or protection of complainants from potential reprisals
- Ensure that grievance redress mechanisms are responsive, and process grievances in an efficient and timely manner

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## 9.1 Importance of grievance redress mechanisms

Policies involve and impact a range of stakeholders. Potential grievances could be very broad in scope. For example, a grievance might involve indigenous peoples and local communities that have been negatively impacted by a hydropower or renewable energy project, or may be lodged by a company in

relation to the development of a new policy that affects their business.

It is important to make a distinction between “feedback” and “grievances”. A provider of feedback does not expect a specific response or resolution. In contrast, for a grievance, the complainant seeks a direct response or redress. Feedback that is not effectively dealt with may escalate into a grievance. Grievance redress mechanisms are usually separate from the collation of feedback through the usual stakeholder engagement processes.

Grievance redress mechanisms are not intended or expected to replace established legal channels for prosecuting wrongdoing. Effective grievance and redress mechanisms serve as a “first line” of response to stakeholder concerns, complementing relevant national legal and administrative processes. Effective integration within the national legal system and clear guidelines for referral may be important for a grievance redress mechanism to function effectively.

Effective grievance redress mechanisms help to:

- ensure accountability by providing a channel through which stakeholders can hold actors accountable for their obligations and commitments
- serve as an early warning system by helping to identify problems and close gaps in a timely and cost-effective manner, thereby avoiding escalation of problems into more entrenched or complex disputes
- identify recurring problems or grievances that may escalate by helping to identify underlying systemic issues that need to be addressed
- ensure respect for rights by providing a channel through which human rights abuses can be detected and redress obtained
- tackle corruption by providing a secure channel for victims and whistle-blowers to seek and achieve redress.

## 9.2 Defining the type and scope of a grievance redress mechanism

Grievance redress mechanisms can take different forms and have different functions depending on the context in, and purpose for, which they are established. It is a *key recommendation* to provide the necessary legal instruments to enable the grievance redress mechanisms to deliver a response, to provide redress, or to pass the grievance to a more powerful decision-making body such as in the justice system or government. Grievance redress mechanisms can be judicial or non-judicial. Judicial grievance redress mechanisms have the advantage of having the “teeth” to sanction wrongdoing, which a non-judicial grievance redress mechanism usually cannot. However, non-judicial grievance redress mechanisms can provide an important alternative to processing a grievance through the national legal processes, which can sometimes be lengthy or ineffective.

It is important to define the scope of a grievance redress mechanism, and provide clear guidance to potential users on what they can expect from the mechanism, what issues the mechanism deals with and what issues are outside its remit. Types of grievance redress mechanisms include:

- community-based grievance and dispute resolution mechanisms
- operational-level mechanisms to handle grievances relating to a specific project
- national human rights institutions that handle more serious allegations of abuse or mismanagement
- anti-corruption hotlines, integrity units or anti-corruption agencies to deal with allegations of corruption, fraud or abuse of authority
- mechanisms associated with international development and climate finance institutions (e.g. the Inspection Panel of the World Bank, the Green Climate Fund’s Independent Redress Mechanism and Independent Integrity Unit)
- sectoral and multi-stakeholder grievance mechanisms that address breaches in commonly agreed standards (e.g. under the Roundtable on Sustainable Palm Oil).

When a citizen or community wishes to file a grievance, it can be a complex and unwieldy process for them to identify which of a multiplicity

of mechanisms is appropriate to deal with their concern.

Effective national grievance redress mechanisms should be able to address a broad scope of concerns at the point of initial receipt and processing. Where grievances received fall outside the remit of the grievance redress mechanism, an effective referral system should be in place to ensure that grievances are addressed through the appropriate channels or institutions. The onus should be on the grievance redress mechanism, not the complainant, to ensure the best avenue for redress.

Grievance redress mechanisms should align and conform with the existing legal and institutional frameworks established in the relevant country.

## 9.3 Establishing accessible channels to submit grievances

It is a *key recommendation* to establish grievance redress mechanisms that are accessible to all stakeholders, socioculturally appropriate, gender-sensitive and tailored to the local context. The grievance redress mechanism should be tailored to the needs and context of the potential users. For example, secure channels for verbal communication of grievances (which are transcribed and reported) may be most appropriate where literacy is low, whereas in other contexts written or online reporting schemes may have the greatest reach and accessibility.

When designing a grievance redress mechanism, find out what already exists and how people prefer to deal with grievances, and involve stakeholders in the process of creating the mechanism. It will often be most appropriate, and possibly even more efficient and effective (depending on proven performance), to build upon or adapt existing mechanisms in the local or national context, rather than establishing new mechanisms. In most cases, a variety of channels will be required to ensure that all potential complainants are able to submit their grievances. Depending on the context, these channels can include:

- dedicated email address or web page
- verbal or written feedback at a drop-in centre
- verbal communication at a meeting
- physical feedback box at an office or in a public place

- telephone hotline number
- text message (e.g. SMS)
- social media (e.g. Twitter, Facebook).

Consider establishing specific approaches or channels to ensure access for different stakeholder groups. For example, although community meetings may be the best mechanism to gather input from an affected community, women or marginalized groups may not speak openly in this context, so it may be appropriate to provide a distinct and safe space to collect their input.

It is a *key recommendation* to ensure the impartiality and independence of grievance redress mechanisms, employing a consistent, credible and objective approach in all investigations and decisions. Whichever channel or channels are established to process grievances, it is important to build trust in the system by guaranteeing impartiality and independence in the process of receiving and handling grievances. The grievance mechanism should have no link to any of the bodies that might be the subject of the grievance; if such a link exists, the impartiality and validity of the mechanism risk being compromised.

It is a *key recommendation* to secure the safety and rights of all stakeholders who use grievance redress mechanisms, where necessary ensuring anonymity and/or protection of complainants from potential reprisals. Anonymous reporting needs to be an option to support the safety and security of complainants. Specific protections should be offered to complainants, especially in contexts where whistle-blower protection is weak or non-existent.

## 9.4 Publicizing the grievance redress mechanism

Once the scope of the mechanism has been defined and the channels through which grievances will be received have been established, it is important to publicize the mechanism widely with all stakeholders and potential users, so that they are aware of channels available and what they can expect when submitting feedback or a grievance.

Define the best means of communication and outreach to build awareness of the mechanism in the context. For example, it may be most appropriate to provide clear information on institutional websites, or via information boards or community meetings at

the level of project implementation (see [Chapter 7](#) for guidance on effective methods for providing information to different stakeholder groups).

In publicizing the mechanism, it is important to manage expectations of potential users by making explicit its scope, mandate and functions. Information that is important to provide includes:

- who can submit grievances
- where, how and when grievances can be submitted
- the scope of the grievance redress mechanism, including any limitations to the problems that can be dealt with and the criteria that will be used to assess whether grievances are accepted or rejected
- the timelines, steps and processes for handling grievances
- the types of responses and outcomes that can be expected
- the institutions that will be involved in handling grievances
- the possibility of submitting a grievance anonymously
- the rights and protections provided for complainants
- how the information in a grievance case can be shared and used.

## 9.5 Handling grievances

It is a *key recommendation* to ensure that grievance redress mechanisms are responsive, and process grievances in an efficient and timely manner. Responsive mechanisms provide information on expected timelines and actions to be undertaken when the grievance is lodged. They also provide regular and systematic information to the complainant on the progress of their case until it is resolved. Receiving, processing and resolving grievances should be a systematic process that follows clear guidelines and principles of objectivity, integrity, and respect for the rights and confidentiality of all involved stakeholders. The exact process to be followed will depend on the details of the case in question, but the core steps

involved in receiving and processing grievances are as follows.

### **Step 1: Record the grievance and acknowledge receipt**

Once a grievance is received through one of the established channels, log it in the grievance data management system. Send the complainant a prompt acknowledgement, and information on the potential follow-up actions and timeline. The joint Forest Carbon Partnership Facility (FCPF) and UN-REDD Programme *Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms*<sup>47</sup> suggests that complaints should be acknowledged within 3–5 days of receipt. Even where a grievance is minor or can be directly resolved, record the details in the centralized system for monitoring and evaluation purposes.

### **Step 2: Assess eligibility**

To ensure consistency and objectivity, follow clearly established guidelines to assess the eligibility of the grievance. The criteria for eligibility should be publicly available. If the grievance is assessed as falling outside the scope of the mechanism, clearly communicate this to the complainant, together with the criteria used to reach this conclusion. If the grievance is assessed as falling within the scope of the mechanism, a detailed review and analysis will be required.

### **Step 3: Review and analyse the information**

Conduct an independent, objective and impartial review of the information submitted. In many cases, it may be relatively straightforward for the entity that received the grievance to identify and implement a solution. In more complex cases, further investigation and analysis may be required, involving multiple stakeholders. When dealing with serious allegations, it may be necessary to collaborate with law enforcement bodies. Systematically record all actions and findings, and send the complainant regular communications on the progress of their claim.

### **Step 4: Develop a resolution**

Flexibility is key to ensuring effective resolution of grievances, which may have a broad scope. An effective grievance redress mechanism incorporates a variety of grievance resolution approaches, and the complainant should have a say in which approach is adopted. For relatively straightforward or common grievances, it may be possible for the team handling the case to directly develop a

response that deals with the issues raised. For more complex cases, further assessment and engagement with the complainant and other stakeholders may be required to jointly determine the best course of action. Finally, there will be cases where referral to another appropriate mechanism or body, such as a national ombudsman or human rights commission, is required to effectively handle the grievance.

### **Step 5: Communicate the proposed response**

Whichever course of action is deemed most suitable to the case in question, communicate the proposed response to the complainant in a timely and accessible manner. The joint FCPF and UN-REDD guidance for grievance redress mechanisms proposes that a response should normally occur within 14–21 days of receipt of the grievance. Make the rationale for the response clear, and explain the complainant's options for how to proceed. Options might include accepting the proposed response, appealing the proposed response, or seeking further action via an alternative avenue for redress.

### **Step 6: Close the case**

Once agreement has been reached with the complainant on the proposed course of action to address the grievance, implement the response and close the case. Collect evidence on the corrective actions taken (e.g. photos or documents, a record of resolution, an agreement with the complainant, a confirmation from the complainant).

### **Step 7: Handle appeals**

Ensure that an appeals process is in place in case complainants are not satisfied with the decision of the grievance redress mechanism. The appeals process should involve an independent panel that can objectively verify the outcome of a case. Inform complainants about their rights to appeal, as well as any alternative national legal or administrative channels that may be available to address their case.

## **9.6 Monitoring cases and grievance redress mechanism effectiveness**

Careful records should be maintained within a computerized data management system of all grievances received, as well as the actions taken to respond to them. Carefully maintaining records for future analysis has two chief purposes:

- to monitor the grievances that are received, in order to identify common issues and potential trends that may imply systematic capacity

<sup>47</sup> Available at: [www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF\\_UN\\_REDDWebReady.pdf](http://www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF_UN_REDDWebReady.pdf).

issues or gaps that need to be addressed on a wider scale (e.g. by altering policy design)

- to evaluate the overall performance of the grievance redress mechanism and compliance with the principles of fairness, impartiality, accessibility and responsiveness. This will ensure that weaknesses in the system are identified, and will allow adjustments to be made to the processes and procedures, as necessary.

An oversight body should be established with advisory authority to monitor performance and provide strategic advice about the grievance redress mechanism. This can be an independent entity or a multi-stakeholder body that includes government and representatives of relevant stakeholder groups.

Transparency is a key element of any effective review and evaluation process. Although there will likely be case-specific information that is sensitive and should not be shared publicly, it is important to make aggregate information (e.g. on the types of grievances received and the approaches used to resolve them) publicly available to demonstrate the effectiveness of the system. This can help to build trust or, where necessary, signal cause for reform (e.g. through improved public outreach).

## 9.7 Supporting the functioning of grievance redress mechanisms

Ongoing resources, financial and otherwise, will need to be identified and made available for the functioning of grievance redress mechanisms. These include resources for receiving and processing grievances, as well as for providing redress, as appropriate.

### 9.7.1 Further references

For guidance on the effective review of grievances from communities affected by development projects undertaken by climate finance institutions, see:

- Compliance Advisor Ombudsman's *A Guide to Designing and Implementing Grievance Mechanisms for Development Projects*<sup>48</sup>

<sup>48</sup> Available at: [www.cao-ombudsman.org/howwework/advisor/documents/implementgrieveng.pdf](http://www.cao-ombudsman.org/howwework/advisor/documents/implementgrieveng.pdf).

For guidance on grievance redress relating to REDD+ initiatives and actions in forest-rich countries, see:

- FCPF and UN-REDD Programme *Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms*<sup>49</sup>

For guidance on non-judicial grievance mechanisms, see:

- SOMO's *The Patchwork of Non-Judicial Grievance Mechanisms*<sup>50</sup>

For guidance on grievance mechanisms to address corruption, see:

- Transparency International's *Complaint Mechanisms Reference Guide for Good Practice*.<sup>51</sup>

<sup>49</sup> Available at: [www.undp.org/content/dam/undp/library/corporate/secu/joint-FCPF--UN-REDD-Programme-Guidance-Note--Establishing-and-Strengthening-Grievance-Redress-Mechanisms-EN.pdf](http://www.undp.org/content/dam/undp/library/corporate/secu/joint-FCPF--UN-REDD-Programme-Guidance-Note--Establishing-and-Strengthening-Grievance-Redress-Mechanisms-EN.pdf).

<sup>50</sup> Available at: [www.somo.nl/the-patchwork-of-non-judicial-grievance-mechanisms-2/](http://www.somo.nl/the-patchwork-of-non-judicial-grievance-mechanisms-2/).

<sup>51</sup> Available at: <https://knowledgehub.transparency.org/product/complaint-mechanisms-reference-guide-for-good-practice>.