

Grievance redress mechanisms

Capacity Building Material

Guidance

UNFCCC REDD+ safeguard 'b' refers to effective governance structures, which generally include access to judicial or administrative procedures that can provide effective remedy for infringements of rights, and to resolve disputes, especially for indigenous peoples and local communities.

For the purposes of demonstrating conformance with this element of the safeguard, jurisdictional REDD+ programs are expected to have in place grievance redress mechanisms (GRMs) that can address any infringements or disputes that may arise in the context of the implementation of REDD+ actions.

Although there are no official guidelines on how jurisdictions are supposed to provide access to effective GRMs, these are expected to be aligned with international standards and best practices.

Guidelines

In alignment with UNFCCC guidance and international best practices, effective GRMs embed the following principles^[1]:

- **Legitimate:** enabling trust from the stakeholder groups for whose use they are intended and being accountable for the fair conduct of grievance processes. Accountability for ensuring that the parties to a grievance process cannot interfere with its fair conduct is typically one important factor in building stakeholder trust.
- **Accessible:** being known to all stakeholder groups for whose use they are intended and providing adequate assistance for those who may face barriers to access. Barriers to access may include a lack of awareness of the mechanism, language, literacy, costs, physical location, and fears of reprisal.
- **Predictable:** providing a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation. For a mechanism to be trusted and used, it should provide public information about the procedure it offers.
- **Equitable:** seeking 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. Where imbalances are not redressed, perceived inequity can undermine both the perception of a fair process and the mechanism's ability to arrive at durable solutions.
- **Transparent:** keeping parties to a grievance informed about its progress and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake. Providing transparency about the mechanism's performance to wider stakeholders, through statistics, case studies or more detailed information about the handling of certain cases, can be important to demonstrate its legitimacy and fairness, and retain broad trust. At the same time, confidentiality of the dialogue between parties and of individuals' identities should be provided where necessary.

[1] UNDP SES Supplemental Guidance on Grievance Redress Mechanisms. This document also notes the UN Human Rights Council, 2011. Report of the UN Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie: Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. A/HRC/17/31, 21 March.

- **Rights compatible:** these processes are generally more successful when all parties agree that outcomes are consistent with applicable national and internationally recognized rights. Grievances are frequently not framed in terms of rights and many do not initially raise human rights or other rights concerns. Regardless, where outcomes have implications for rights, care should be taken that they are consistent with applicable nationally and internationally recognized standards and that they do not restrict access to other redress mechanisms.
- **Enabling continuous learning:** drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms. Regular analysis of the frequency, patterns, and causes of grievances; strategies and processes used for grievance resolution; and the effectiveness of those strategies and processes, can enable the institution administering the grievance redress mechanism to improve policies, procedures, and practices to improve performance and prevent future harm.

Though developed initially as a guide for businesses with potential operational impacts on the rights of affected communities and other stakeholders, these Guiding Principles, and particularly the guidance on grievance mechanisms as a key component of remedy, are rapidly gaining global support among multilateral agencies as a basis for developing and refining their organizational grievance mechanisms. Likewise, though the Principles are not officially addressed to government agencies or NGOs, they provide a strong foundation for Governments in reviewing, developing and refining their GRMs.

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