

## **GRIEVANCE REDRESS MECHANISM – J4B PROJECT**

A Grievance Redress Mechanism (GRM) is a process for receiving, evaluating, and addressing project-related complaints, feedback, questions and suggestions from citizens and affected communities at the level of the project.

The mechanism focuses not only on receiving and recording complaints but also on resolving them. While feedback should be handled at the level closest to the complaint, all complaints should be registered and will follow the required procedures.

Key definitions of grievance and complaint are as follows:

→ **Complaint:** an expression of dissatisfaction that is related to an impact caused by a project activity, which has affected an individual or group. Adversely, the interests of an individual or group and the individual or group want a proponent or operator (or contractor) to address and resolve it (e. g. problems related to dust deposition, noise or vibration). A complaint is normally of a less serious nature than a grievance;

→ **Grievance:** a claim raised by an individual or group whose livelihood, health and safety, cultural norms and heritage are considered to have been adversely affected by a project activity which, if not addressed effectively, may pose a risk to operations (through stakeholder actions such as access road blockages) and the livelihood, well-being or quality of life of the claimant(s). The grievance mechanism described in this section includes both complaints and grievances.

### **Objectives of the project-based GRM**

The project-based GRM is intended to serve as a mechanism to:

- Allow for the identification and impartial, timely and effective resolution of issues affecting the project;
- Strengthen accountability to beneficiaries, including project-affected people, and provide channels for project stakeholders and citizens at all levels to provide feedback and raise concerns.

Having an effective GRM in place will also serve the objectives of: reducing conflicts and risks such as external interference, corruption, social exclusion or mismanagement; improving the quality of project activities and results; and serving as an important feedback and learning mechanism for project management regarding the strengths and weaknesses of project procedures and implementation processes.

### **GRM overview and structure**

The GRM will be accessible to a broad range of project stakeholders who are likely to be affected directly or indirectly by the project. These may include internal justice sector operators (judges, staff, prosecutors, etc.) as well as external users (citizens, businesses and lawyers representing their

clients), other beneficiaries, community members, project implementers/contractors, civil society, media – all of who will be encouraged to refer their grievances and feedback to the GRM. The GRM can be used to submit complaints, feedback, queries, suggestions or compliments related to the overall management and implementation of the project activities. The GRM's functions will be based on the principles of transparency, accessibility, inclusiveness, fairness and impartiality and responsiveness. It will establish clearly defined timelines for acknowledgement, update and final feedback to the complainant.

To enhance accountability, these timelines will be disseminated. The timeframe for acknowledging receipt of a feedback will not exceed 7 days from the time that it was originally received; if an issue is still pending by the end of 20 days the complainant will be provided with an update regarding the status of the grievance and the estimated time by which it will be resolved; and all grievances will be resolved within 30 days of receipt. The Project Implementation Unit (PIU) staff will be responsible for managing the GRM.

### **GRM scope and use**

GRM will be available for project stakeholders and other interested parties to submit questions, comments, suggestions and/or complaints, or provide any form of feedback on all project activities. GRM's users will be project beneficiaries, project-affected people (positively or negatively), as well as the broader citizenry. The GRM will be managed by a dedicated staff of the (PIU) staff under the direct responsibility of the Project Manager (PM). Complaints, suggestions, comments and any other issues can be submitted at any time throughout the project implementation.

### **MoJ's complaint mechanisms practice**

Under the project cycle management, the MoJ responds impartially and responsively to all complaints, whether they came from the users of judicial services, media, official state institutions, etc. Complaints and petitions can be submitted through a telephone exchange (+385 1 3714 000), e-mail ([pitanja@mpu.hr](mailto:pitanja@mpu.hr)) or on the MoJPA's website through the e-form via the following link:

<https://mpu.gov.hr/pristup-informacijama-6341/ostale-informacije/predstavke-i-prituzbe/6200>

Also, on-site information boards will include the contact details of the contractor (which name needs to be updated after contracting) and the MoJPA's, as well.

Afterward, technical services of the MoJPAPA are receiving and addressing complaints to the Directorate for Organization of Judiciary – Unit for Complaints, which is the first point in charge of the examination of the complaint content.

After a proper formal response to the complaint is prepared, MoJPA is obliged to respond to the interested party within a reasonable time.

In case the resolution of complaint or grievance has not been achieved, an appeals process against the decision of the authority of first instance is allowed in line with national legislation. The appeal concerned can be lodged within 15 days following the receipt of the decision. The central state administration authority responsible for justice affairs shall decide on the lodged appeal (MoJPA of the Republic of Croatia). An administrative dispute may be instituted against the decision of the MoJPA of the Republic of Croatia, as a second instance authority, before the Administrative Court (AC) of the Republic of Croatia, within 30 days following the receipt of the decision.

If the amicable settlement of any major dispute in implementation fails for any reason, the stakeholder may inform the other that it will seek a judicial settlement before the competent court.

## Predstavke i pritužbe



- Ispiši stranicu
- Podijeli na Facebooku
- Podijeli na Twitteru

Na ovoj stranici možete podnijeti predstavku ili pritužbu na:

- rad suda ili državnog odvjetništva koji se odnosi na odugovlačenje postupka,
- ponašanje suca ili drugog djelatnika suda, državnog odvjetnika, zamjenika državnog odvjetnika ili drugog djelatnika državnog odvjetništva prema stranci u tijeku postupka ili obavljanja drugih službenih radnji.

U pritužbi je potrebno navesti **poslovni broj te naziv pravosudnog tijela** pred kojim se vodi predmet.

Ministarstvo pravosuđa i uprave nije ovlašteno:

- pružati savjete strankama kako postupiti u konkretnim situacijama odnosno postupcima
- pružati strankama pravnu pomoć i pravne savjete
- preispitivati zakonitost odluka pravosudnih tijela donesenih u pojedinačnim predmetima
- s obzirom na trodiobu vlasti na zakonodavnu, izvršnu i sudbenu, **izvršna vlast** (u ovom slučaju Ministarstvo pravosuđa i uprave) **nije ovlaštena miješati se u pojedinačne sudske slučajeve ili utvrđivati činjenice, već je to u cijelosti u nadležnosti sudbene vlasti**, koja je samostalna i neovisna, a strankama u postupku su na raspolaganju zakonom propisana sredstva pravne zaštite njihovih prava

Molimo da ispunite sva označena polja kako bi se po Vašoj predstavi ili pritužbi moglo postupiti.

Predstavke osim putem ovog web obrasca možete podnijeti i pisanim putem na adresu Ministarstvo pravosuđa i uprave, Uprava za pravosudnu i upravnu inspekciju, Ulica grada Vukovara 49, Zagreb.

Nakon dostavljene predstavke ili pritužbe te nakon provjere dostavljenih podataka, Ministarstvo pravosuđa i uprave će Vas obavijestiti o ishodu u najkraćem mogućem roku.

Pritužba/Predstavka

Ime i prezime: \*

Adresa:

E-mail: \*

## WB's complaint mechanisms practice

Project stakeholders and citizens can also submit complaints regarding the project activities through the World Bank Grievance Redress Service (GRS). Communities and individuals who believe that they are adversely affected by a World Bank-supported project may submit complaints to existing project-level grievance-redress mechanism or to the WB's (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns.

Project-affected communities and individuals may submit their complaint to the WB's independent Inspection Panel (IP), which determines whether harm occurred, or could occur, as a result of the WB noncompliance with its policies and procedures.

Complaints may be submitted at any time after concerns have been brought directly to the WB's attention, and Bank Management (BM) has been given an opportunity to respond. For information on how to submit complaints to the WB's GRS, please visit: <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>.

For information on how to submit complaints to the WB's Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

### **Complaints management and dispute resolution systems within Croatian public procurement (PP)**

Public procurement regulatory framework in Croatia establishes a transparent and effective complaints review mechanism. It is fully aligned with the good international practices in many aspects. According to Public Procurement Act authorized to solve disputes initiated by bidders that are stating their complaints is [State's Commission for Control of Public Procurement Procedure](#), as an independent body. Parties involved in the complaint procedure are the appellant, client, applicant and bidder. During the procedure, the client is required to prove facts and circumstances which are base for his decision about bidder whose offer is accepted. On the other hand, appellant must prove breaches that have happened during procurement procedure or legal preconditions that haven't been met. According to the Public Procurement Act's article 405. appeal must be submitted to State's Commission for Control of Public Procurement Procedures (DKOM) in writing and delivered directly, through accredited post service provider or can be send electronically via connected informational system established between State's Commission and Croatian Public Procurement Electronical Advertisement.

Public Procurement Act defines content of complaint (article 420.) mentioning information and documents that must be made available to the State's Commission, like for example information on appellant (name, identification number, address, e-mail address, etc.), subject of complaint, evidence for his claim, proof that fee for starting complaint's procedure has been payed, demand that appellant has, etc.

Complaints/appeals must be sent to State's Commission in proper deadlines, also defined in Public Procurement Act (PPA). Basically, deadline is 10 days after certain different situations have happened according to different types of procurement procedures. Details regarding deadlines can be found in articles 406- 414 of PPA.

Once the State's Commission receives complaint and complaint is sent according to deadlines and in format defined in PPA, the Commission is obliged to make its decision in 30 days,

as is stated in article 432 paragraph 2 of PPA. Decisions on the appeals of the State Commission are published on their website daily basis. State's Commission is paying special attention on presumptions connected with deadlines to submit offer, to criteria which must be met, and other procedure conditions or breaches that might take place during procurement procedure.

Public Procurement Act defines exactly which information must be stated in complaint, as well as deadlines relevant for submitting complaint. After examining documents that must be part of complaint package, State's Commission can decline complaint, terminate agreement, order fine or bring any other measure according to public Procurement Act's provisions.

Regarding complaints in MoJPA's tenders, they are also resolved by DKOM in max. of 30 days (as described in the beginning of this section). Most often, complaints pertain to errors in tender documentation and award decision.