



# Civilian harm response

## *Recommendations for a civilian-centered civilian harm response process*

*As various security actors are developing Civilian Harm Mitigation (CHM) policy or working on its implementation, it is essential to also turn to the question of ‘response’: activities undertaken by security actors in reaction to civilian harm caused by their operations, regardless of lawfulness. Adequate response can contribute to accountability and mitigate further negative effects to civilians that may result from the initial harm that was caused. It can include – but is not limited to – such measures as public acknowledgement of the harm that was done, issuing a public or personal apology, providing monetary payments, or rebuilding damaged property.*

*The design and implementation of civilian harm response processes should be reflective of civilian needs and expectations. This publication offers lessons learned as to what civilians may consider meaningful, appropriate and effective responses; why security actors should consider civilian harm response a strategic priority; and provides actionable recommendations on how to design a civilian-centered response process.*



## What we did

Over the past few months, PAX conducted a review of literature on civilian harm response, focusing on those publications that directly reflect civilian perspectives on this topic. The aim being to distil the expectations, wishes and needs for responses to civilian harm of those who are meant to benefit from it: survivors of harm and/or their relatives. Several civil society organizations have conducted useful research that sheds a light on when and how security actors' responses to harm may be perceived as just, meaningful and effective by those on the receiving end. Such research is important to inform ongoing advocacy and to develop recommendations supporting the development of civilian-centered military policy and practice. The literature review itself – which underlies the recommendations presented in this paper – can be accessed [here](#), where you can also find references to the resources that were consulted.

## What we learned

Current research on civilian perspectives on responses to harm caused by military actors, while limited in number, offers valuable information as to what civilians expect from a civilian harm response process, and when they may perceive of the actions by security actors as meaningful and appropriate. The below represents a selection of findings from the literature review.

- If security actors (consistently) fail to respond to civilian harm caused by their military operations or respond in a way that does not align with civilian expectations and needs, they **risk causing anger and resentment among affected civilians and their communities**, eroding their perceived legitimacy and support from among these groups.
- Civilians stress the need for **civilian-centered response mechanisms and policies**, designed with their involvement or at least with their needs in mind.
- **Existing processes set up to give civilians access to post-harm assistance are usually inadequately designed**, for instance by placing unrealistically high evidentiary requirements on civilians or by failing to provide clear information about where and how claims can be submitted.
- Civilians consistently report a **preference for individually tailored responses over community-level responses**. This is mostly due to concerns over the latter not addressing victims' needs, for instance because they have left the area where the harm originally occurred.
- Following a civilian harm event, civilians generally appear to prefer receiving (individual) **financial payments, acknowledgment, an explanation of what happened and why, an apology, and where warranted, legal action**.
- Regarding the above, it appears that **many civilians desire a combination of response options**. Receiving a monetary payment but without an accompanying apology or public acknowledgment – and vice versa – is generally not considered to contribute meaningfully to accountability or making amends.
- Financial payments can be a meaningful response to civilian harm as these are often considered a **culturally appropriate** way of seeking accountability and reconciliation (reminiscent of practices of 'blood money' in countries like Afghanistan, Iraq and Somalia), while also addressing important **material needs** of those affected by, for instance, compensating for lost income or increased medical costs.

- **Civilians perceive responses as more meaningful when these come directly from the security actor they hold responsible for the harm.**

## What we recommend

To security actors in the process of, or considering, designing civilian harm response mechanisms and policies we recommend:

### Preparation

- Set up a **Civilian Harm Mitigation Team (CHMT)** tasked with tracking, investigating, reporting on, and **responding to** civilian harm caused by own military operations, with appropriate staffing and resources.
- **Develop an overview of response options** – and accompanying military guidance – that can be updated and tailored to specific cultural or logistical contexts.
- For current and future missions, **set up and transparently report about civilian harm response mechanisms and processes**, involve civilians or CSOs in the design phase, and make sure that the response process is accessible and meets civilian needs.
- **Evaluate and learn from past practices regarding civilian harm response**; identify factors that contribute to or undermine making amends and achieving a sense of redress by those affected.
- **Set up and promote accessible civilian harm reporting mechanisms** where (affected) civilians or their representatives can directly interface about civilian harm reports with the security actor deemed responsible (see also our [report](#) on this specific topic). Make it available in appropriate local languages; clearly specify reporting requirements; and explain the follow-up or response process.

### Practice

- Ensure that any response to a civilian harm event is seen to **come from the security actor responsible** and is clearly communicated to affected civilians and their communities as being connected to the original civilian harm event.
- **Response to a civilian harm event should be offered as early as possible.**
- In considering different response options, place particular emphasis on **monetary (*ex gratia*) payments, accompanied by an apology and/or acknowledgement of the harm done and expression of condolence.**
- **When issuing an apology check whether it is perceived as meaningful in both content and form.** Ideally, it should contain an explicit acknowledgement of and responsibility for the harm done, an expression of remorse, conveyance of respect and empathy, and be offered in a formal setting by someone with a leadership mandate.

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