



## Protection of Civilians

# Module 8

**Lesson 26: Mainstreaming Protection of Civilians** identifies the roles and responsibilities of different stakeholders in mainstreaming protection through all programs

**Lesson 27: Gender Mainstreaming in Security** identifies tools for mainstreaming a gender lens in all aspects of peace and security.

**Lesson 28: Mitigating Civilian Harm** identifies a procedure for security forces and civil society to coordinate efforts to prepare for and mitigate civilian harm that results from a security operation.

This Module provides a foundation for military, police, and civilians on the core ideas, functions, practices, and principles known as “protection of civilians” (PoC). Many stakeholders are already training and building their capacity for protection of civilians. But often these efforts are happening separate from each other. This Module aims to provide a common understanding in each of three areas: general protection of civilians, gender mainstreaming in security, and mitigating civilian harm.



## Lesson 26

# Mainstreaming Protection of Civilians

### Learning Objectives:

At the end of the lesson, participants will be able to:

- Recognise the range of strategies necessary to mainstream the protection of civilians in all programmes
- Compare roles for diverse actors in protection of civilians
- Identify potential coordination mechanisms for protection of civilians

Military, police, civilian government and civil society all have an interest in the protection of civilians. This lesson provides a foundation for understanding the specific roles and responsibilities for the protection of civilians by different stakeholders.

### 1. Civilian threats and vulnerabilities

In the midst of natural disasters and violent conflict, male and female civilians are at risk.

- Criminal violence may occur at any time, and is especially prevalent in complex environments.
- Armed groups may intentionally attack civilians as a political statement, to help recruit new members, or to initiate new recruits into an armed group.
- Mass atrocities are large-scale, deliberate attacks on civilians.
- Sexual and gender-based violence (SGBV) is threat at all times, in all countries. Lesson 21 addresses gender mainstreaming in security to enhance protections against SGBV.
- Some armed groups will seek to avoid harm to civilians, but may unintentionally still cause harm. This requires both improving protection of civilian harm mitigation, address in Lesson 22.

Civilians on the receiving end of violence may not make a distinction between intentional and unintentional harm.

## 2. Protection of civilians is a moral, political, legal and strategic priority.

The UN and other international and regional organisations, as well as governments, military and police forces, and civil society are striving to improve the protection of civilians for four interrelated reasons.

<b>Moral</b>	The moral outrage and horror of the civilian casualties, especially mass atrocities such as the Rwandan genocide, increased global commitments to improve protection of civilians.
<b>Legal</b>	International humanitarian law as well as national legal frameworks, military and police rules of engagement and/or status-of-forces agreements all detail the responsibilities of different stakeholders to protect civilians from harm.
<b>Political</b>	Harming civilians impacts the political legitimacy of the group committing harm, whether intentional or not.
<b>Strategic</b>	Protecting the population is key to winning the populations' support. The population is the "centre of gravity," or the most important aspect of some security operations.

## 3. What are human rights?

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. Universal human rights are expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law.

Human rights are interdependent and indivisible. Threats to some human rights can threaten all human rights. For example, threats to the physical safety of a woman can make it impossible for her to go to work, thus also threatening her economic rights. Threats to the social well-being and cultural survival of an Indigenous tribe can also the tribes' ability to provide governance to their communities.

Human rights entail both *rights* and *obligations*. Traditionally, states assume the legal duty to respect, to protect and to fulfil the human rights of their citizens. The obligation to respect means that states must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires states to protect individuals and groups against human rights abuses. The obligation to fulfil means that states must take positive action to facilitate the enjoyment of basic human rights. Non-state actors such as individuals or corporations are entitled to having their human rights protected but were traditionally not considered as having the obligation to respect the human rights of others. This view has been changing and non-state entities can now increasingly be held accountable for violating the human rights of others.

## 4. Protection of Civilians (PoC) defined in legal terms

Protection of civilians is a rapidly growing field, with constantly evolving guidelines and training. The Inter-Agency Standing Committee (IASC) defines the concept of "protection of civilians" as "activities aimed at obtaining full respect for the rights of all individuals in accordance with international law – international humanitarian, human rights, and refugee law – regardless of their age, gender, social ethnic, national, religious, or other background."

From this legal point of view, two situations of protection are often distinguished:

- Protection of civilians in armed conflict, whereby all parties to the conflict are responsible under International humanitarian law for ensuring that the rights of civilians, i.e. those not directly involved in hostilities, are respected and protected.
- Protection of civilians in contexts of natural disasters or civil unrest, where International humanitarian law does not apply. In these situations, national authorities have the primary responsibility to protect their citizens in accordance to human rights and refugee law.

In situations where states are not able to fulfil their obligation to guarantee these rights to civilians living on their territory, other actors must come in and fulfil the protection responsibility of the state. This may include humanitarian and human rights organisations, peacekeeping missions, electoral or ceasefire monitoring missions and third government.

## 5. Protection of Civilians is a component of human security

The human security framework introduced in Lesson 15 provides a broad umbrella or strategic narrative linking governance, development and security. As one of many approaches underneath a human security umbrella, protection of civilians is distinct in two ways:



- PoC is based on legal obligations of states and non-state armed actors
- PoC is narrowly focused on reducing the risks of physical violence, coercion and deprivation civilians face.

The desired end state of PoC is that risk to civilians be minimised as far as possible. In order to reduce that risk, multiple types of activities involving various approaches, sectors and disciplines are needed, though all oriented towards a common protection outcome.<sup>131</sup>

## 6. Protection of Civilians activities

There are various areas of PoC activities. PoC may include monitoring of threats and vulnerabilities, actions to reduce threats and vulnerabilities, and actions to improve the protective environment.

### a. Monitoring of civilian harm

Civil society, military, and police may all be involved in identifying and documenting civilian threats and vulnerabilities as well as human rights violations. PoC monitoring includes research to do the following:

- Analyse threats to civilians
- Analyse civilian vulnerabilities
- Document harms to civilians

### b. Reduce threats to civilians

Civil society, military, and police may all be involved in activities to reduce threats to civilians. This may include removing or making it impossible for people perpetrating harm on civilians to have contact with civilians. For example, “interpositioning” is a tactic to protect civilians. It involves an armed or unarmed group of military, police, or civil society who place themselves between groups perpetrating violence and civilians to reduce threats to civilians.

### c. Reduce civilian vulnerabilities

Humanitarian organisations, including civil society, are responsible for reducing civilian vulnerabilities. This may include ensuring that civilians have access to food, water, sanitation, and shelter in protected areas. For example, water sources are often the site of attacks on civilians, particularly women. Provision of water at protected locations can reduce civilian vulnerability to threats.

### d. Improve the “protective environment”

Governments have primary responsibility to address all the elements of a protective environment. Military, police, and civil society also can play supportive roles. These are outlined further in a section below.

## 7. Civil-Military-Police roles and coordination in shaping protective environments

Coordination between civil society, civilian government, military and police on protection of civilians is essential to ensure a “whole of system” approach.<sup>132</sup> This includes coordination on sharing Protection of Civilian principles, and coordination on protection of civilian activities, including recognising distinct Protection of Civilian roles and responsibilities.

Lesson 5 described five sectors of human security. Each dimension relates to human rights and protection of civilians. Civil society, military and police should make protection of civilians central to all assistance efforts. Each of the five sectors involves all stakeholders in society. But in each sector there may be a “lead group” such as the military, police, civilian government, private business sector or civil society which may play a significant role in addressing human rights in that sector. The table below illustrates, for example, what protection of civilian roles and responsibilities might look like.

Lead group	Sector
Military and police	<i>Safe and secure environment</i> without direct threats of violence to civilians in the home or in public
Police and civilian government	<i>Rule of law</i> including protection of human rights and fair and just application of the law.

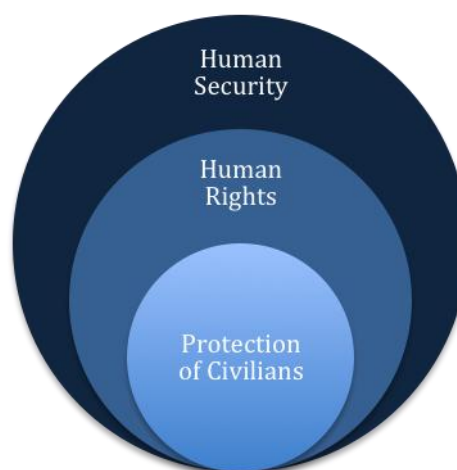


Figure 62: Relationship of Protection of Civilians to Human Security

Civilian government and civil society	<i>Good governance</i> including a government, private business sector and an empowered and independent civil society that play complementary roles in governance
Civil society, especially educational institutions, religious institutions and media	<i>Social well-being</i> to ensure positive relationships between diverse groups in society through dialogue, mediation, negotiation, reconciliation, etc.
Civilian government and private business sector	<i>Sustainable economy</i> to ensure people have food security and ability to make a living

## 8. UN Principles in protection mainstreaming

The United Nations is leading an effort to mainstream the protection of civilians to align all civilian and military assistance with new UN guidance to ensure the primacy of UN mandates related to Protection of Civilians in planning, policymaking, and implementation. All civilian, military and police initiatives, including peacekeeping missions, should prioritise protection principles, in all sectors and programmes. These principles, taken from the United Nations,<sup>133</sup> include the following:

*Prioritise the safety and dignity of all people in every intervention:* Every intervention, even those with good intentions, can inadvertently harm people physically or psychologically. Direct physical threats from people or environmental disasters can put the safety of people at risk. Physical and psychological threats such as a lack of respect, humiliation, a lack of privacy and a lack of participation and consultation in decisions that affect people's lives undermine human dignity.

*Ensure access to services in every intervention:* People should have access to their basic needs (food, shelter, clothing, etc.) without having to risk their safety, in a way that is physically and financially possible, and that is culturally relevant and socially acceptable. Make sure an intervention does not block people's access to services. Arrange for people's access to assistance and services - in proportion to need and without any barriers (e.g. discrimination). Set-up appropriate mechanisms so that affected populations can measure the adequacy of interventions, and address concerns and complaints.

*Accountability:* People who receive assistance and protection should have mechanisms to file concerns and complaints with the people providing assistance and protection.

*Participation and Empowerment:* People in need of assistance and protection should participate in all aspects of the decisions that go into the assistance. Empowerment is not something given to people. Empowerment is a process by which people identify their own needs and interests, increase their knowledge and resources to address their needs, claim their rights to have their needs met, and lead or participate in the effort to improve their situation. Support the development of self-protection capacities and assist people to claim their rights.

## 9. Protection of Civilians must include "meaningful assistance"

Implementation of Protection of Civilians mandates has been inadequate. Programmes to protect civilians are often not operationally feasible. In order for access to be meaningful assistance and services must be:

- Available in sufficient quantity and quality
- Provided on the basis of need and without discrimination
- Within safe and easy reach
- Known by people potentially accessing services
- Physically and financially accessible
- Culturally relevant and socially acceptable<sup>134</sup>

## 10. The role of humanitarian assistance and civil society in protection of civilians

Humanitarian organisations, including those of the UN, the Red Cross Movement, and civil society organisations participate in the following activities to support the protection of civilians:

- *Responsive Action:* Preventing, or ensuring protection from, abuse and alleviating its immediate effects
- *Remedial Action:* Restoring dignity and ensuring well-being and recovery through assistance and rehabilitation.
- *Environment Building:* Cultivating a social, cultural, institutional and legal environment conducive to respect for rights.

The “*how*” or method of providing humanitarian assistance is just as important as “*what*” is provided. Humanitarian assistance can offer protection to civilians by providing legal aid, providing family tracing and reunification services, assisting demobilisation of child soldiers, facilitating refugee registration or providing psycho-social support. Civil society can participate in early warning of violence and in using dialogue, mediation and reconciliation among social groups to address drivers of violence.

Any type of assistance can unintentionally put people at risk. It is important, for example, to provide food, shelter, water, and sanitation facilities in protected areas. Locating assistance in areas where there are threats to women, men, girls or boys can put communities at risk of being attacked. Because outside interveners may not be aware of potential risks, it is essential the local people and beneficiaries of assistance be involved in assessing threats and vulnerabilities as well as designing solutions to mitigate these risks.

### 11. The role of security forces in protection of civilians and human rights

UN and regional peacekeepers and state security forces are receiving new mandates that give them explicit instructions to aid in the protection of civilians. These new mandates make protection of civilians a more explicit focus of training, rules of engagement and lines of effort.

Military, police, and non-state armed groups hold specific responsibilities for the protection of civilians both in peace support operations and in military operations during armed conflict. Civilian populations expect state security forces to protect civilians. When security forces do not protect civilians, the security forces lose credibility and legitimacy, which can undermine other security goals.<sup>135</sup>

Security forces support PoC and human rights in two ways:

*Planned Protection of Civilian Activities:* Security forces may conduct offensive, defensive and stability operations that intend to prevent and mitigate harm to civilians as well as creating an environment conducive to the protection of civilians. Community policing and gender-sensitive policing are essential to protection of civilians.

*Do No Harm:* The UN has detailed human rights guidance for counterterrorism legislation<sup>136</sup>, detention<sup>137</sup>, stopping and searching people<sup>138</sup> in the context of counterterrorism, as well as human rights guidance on security infrastructure.<sup>139</sup> Much of this guidance draws on security forces obligations and responsibilities outlined in the Law of Armed Conflict (LOAC) also known as International humanitarian law. This includes the key principles of distinction, precaution, and proportion as outlined in Lesson 8 and 25.

The Center for Civilians in Conflict (CIVIC) works with military officials, policymakers, the UN and civilians to improve protection of civilians and develop specific institutional mechanisms for responding to civilian casualties.

Read more about their work in “Local Ownership of Security” - the companion to this Handbook.

### 12. Security Assistance, Protection of Civilians and the Primacy of Human Rights

In some countries, the security forces themselves either directly or indirectly put civilians at risk of violence. Security assistance such as weapons sales and training for military and police in countries lacking civilian oversight of the security sector or a justice system to uphold the rule of law and human rights may enable abusive security forces to further harm civilians. In 2013, UN entities contemplating support to non-United Nations security forces developed a human rights policy of due diligence<sup>140</sup>, including the following elements:

- a. Before support is given, as *assessment of the risks* involved in providing or not providing such support, in particular the risk of the recipient entity committing grave violations of international humanitarian law, human rights law, or refugee law;
- b. *Transparency with receiving entities* about the legal obligations for upholding human rights and the core principles governing provision of support to security forces; and
- c. An effective *implementation framework*, including:
  - a. Procedures for monitoring the recipient entity’s compliance with international humanitarian, human rights, and refugee law;
  - b. Procedures for determining when and how to intercede with a view to putting an end to grave violations of any of those bodies of law and for deciding, if need be, upon the suspension or withdrawal of support;

- c. General operational guidance, as required, by the respective United Nations entities to the country level on implementation of the policy.

### 13. Responsibility to Protect

The Responsibility to Protect (R2P) doctrine details each state's responsibility to protect its population from genocide, war crimes, crimes against humanity and ethnic cleansing (mass atrocities).<sup>141</sup> R2P is related, but distinct from the protection of civilians or human security agenda because it applies exclusively to situations of mass atrocities. It appeals to the responsibility of other governments to stop mass atrocities occurring in a third country. A traditional emphasis on state sovereignty limited international action when a government used repression on its own people or was unable to protect its citizens during civil violence. R2P links state sovereignty with responsibility for the protection of civilians. Most violence today happens within states, not between states. If the state is unable to protect its population, the international community has a responsibility to help build state capacity for early-warning, mediating conflicts, security sector reform, and many other actions. If a state fails to protect its citizens from mass atrocities or commits these acts against its own citizens, the international community has the responsibility to intervene at first diplomatically using a wide array of peaceful measures, then more coercively through various forms of sanctions, and using force as a last resort.

### REVIEW

This lesson provides civilian, military and police leaders an understanding of the activities required for the protection of civilians and human rights. All stakeholders have a responsibility for prioritising civilian safety during all aspects of working and living in complex environments. Greater coordination and understanding of the shared principles and unique roles and responsibilities of civilian, military, and police leaders will enable a more systematic approach to protection.

### Citations

<sup>131</sup> Interview with Jenny McAvoy, Director of Protection, InterAction. Washington, D.C., June 27, 2015.

<sup>132</sup> Norah Niland, Riccardo Polastro, Antonio Donini, and Amra Lee. *Independent Whole of System Review of Protection in the Context of Humanitarian Action*, (Norwegian Refugee Council on behalf of Inter-Agency Standing Committee Protection Cluster, 2015).

<sup>133</sup> See Global Protection Cluster website at <http://www.globalprotectioncluster.org/en/areas-of-responsibility/protection-mainstreaming.html>, accessed January 2016.

<sup>134</sup> *Protection Mainstreaming Training Package*. (Geneva, Switzerland: Global Protection Cluster, 2014). Found at: [http://www.globalprotectioncluster.org/assets/files/aors/protection\\_mainstreaming/PM\\_training/1\\_GPC\\_Protection\\_Mainstreaming\\_Training\\_Package\\_FULL\\_November\\_2014.pdf](http://www.globalprotectioncluster.org/assets/files/aors/protection_mainstreaming/PM_training/1_GPC_Protection_Mainstreaming_Training_Package_FULL_November_2014.pdf) accessed 15 October 2015.

<sup>135</sup> *Protection of Civilians Military Reference Guide*. (Carlisle, Pennsylvania: US Army War College Peacekeeping and Stability Operations Institute, 2013).

<sup>136</sup> Basic Human Rights Reference Guide: Conformity of National Counter-Terrorism Legislation with International Human Rights Law

<sup>137</sup> Basic Human Rights Reference Guide: Detention in the Context of Countering Terrorism

<sup>138</sup> Basic Human Rights Reference Guide: The Stopping and Searching of Persons in the Context of Countering Terrorism

<sup>139</sup> Basic Human Rights Reference Guide: Security Infrastructure

<sup>140</sup> Human rights due diligence policy on United Nations support to non-United Nations security forces (document A/67/775-S/2013/110)

<sup>141</sup> International Commission on Intervention and State Sovereignty (ICISS), *The Responsibility to Protect* (Ottawa: IDRC, 2001).

## Lesson 26

## Learning Exercises

### Anchor

10 minutes

To begin the lesson, anchor the content in this lesson with an open question:

- How do people in your organisation protect the lives of civilians? Do you use this term “protection of civilians?”

### Add

20 minutes

Present the PowerPoint slides or ask participants to discuss the lesson readings in a small group.

### Apply

25 minutes

The goal of this exercise is to understand complementary roles and coordination for protection of civilians. In each of the scenarios, Internally Displaced Persons whose homes and towns were destroyed in the earthquake are now in the process of relocating. These IDPs are especially vulnerable to kidnapping and recruitment into militia groups.

Each of the scenario stakeholder teams has thirty minutes to identify the Protection of Civilian responsibilities and roles of different stakeholder groups and then to negotiate or advocate with other groups to push for other stakeholder groups to take on Protection of Civilian responsibilities. Then, each stakeholder team or group of teams is allowed two minutes to outline their plan and/or to oppose the plans of other groups.

Debrief with open questions about the challenges and trade-offs in this role-play.

- What strategies to protect civilians seemed most successful or possible in their scenario?
- How well did each of these stakeholders coordinate with each other?
- What types of coordination mechanisms are needed?

### Away

5 minutes

To end the lesson, the trainer can ask participants to divide into groups of 2 or 3 people. Participants can share with each other their reflections on this lesson.





## Lesson 27

# Gender Mainstreaming in Security

### Learning Objectives:

At the end of the lesson, participants will be able to:

- Identify three strategies for gender mainstreaming in security
- Define sexual and gender-based violence (SGBV)
- Identify the link between masculinity and violence

This lesson provides civilian, military and police leaders with tools for mainstreaming a gender lens in all aspects of security, including gender sensitive analysis of threats, gender inclusion in the security sector, and gender accountability in security sector oversight. The lesson identifies the problem of sexual and gender-based violence (SGBV) and how it relates to complex environments. Armed groups may use SGBV as a tactic of war to humiliate and punish women, their families and communities. Preventing SGBV is a form of protection of civilians. Because SGBV is different from other types of violence against civilians and undermines broader peacebuilding efforts, it requires special attention. All human security efforts in complex environments must take into account the different needs,

### 1. Definitions of Gender

*Gender* refers to social and cultural differences between males and females. Families, schools, religious organisations, media programmes, and communities encourage boys and girls to take on specific gender roles. Communities may punish boys who have “feminine” characteristics and girls who have “masculine” characteristics. Feminine traits include caring for others and relational skills that support peace. Masculine traits in many cultures include demonstrating aggression.

*Gender discrimination* is any pattern of preferential treatment of males over females. In complex environments, men are more often chosen for leadership roles, and women are more often left out of political processes related

to violence and peace. Civilians, military, and police can address gender discrimination to ensure that all people – men and women – are able to contribute to human security.

## 2. Definition of Sexual and gender-based violence (SGBV)

SGBV includes psychological or emotional violence such as sexual harassment, rape and sexual abuse, child sexual abuse, child marriage, female genital cutting, marital rape, dowry-related violence, female infanticide, killing of females because they are females, forced prostitution, sex trafficking, and sexual violence used during war. SGBV is directed against a person on the basis of their biological sex or their social gender roles. Males commit most SGBV violence. Females experience high levels of SGBV. Males can also experience SGBV. People with same sex sexuality, including gay, lesbian, bisexual, transgender, queer or other sexual identities (LGBTQI) also experience high degrees of SGBV.

## 3. The “Women, Peace and Security” Agenda

Awareness of the impact of violence on women and women’s roles in peace and security has been increasing at the global level with the 1979 UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), and the UN Security Council Resolution 1325 and 2122 reaffirming women’s equal and full participation as active agents in the prevention and resolution of conflicts, peace-building and peacekeeping. These resolutions call on member states to ensure women’s equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and urge all actors to increase the participation of women and incorporate gender perspective in all areas of peace building.

## 4. Gender Mainstreaming in Human Security

Achieving gender equality in human security requires “gender mainstreaming.” This includes the use of a gender sensitive analysis of threats, gender inclusion, and gender accountability.

Gender inclusion: The security sector should be gender inclusive so that males and females have the same opportunities to contribute to analysing security threats, identifying security strategies and participating in implementing the work of the security sector, including security forces. Gender equity in the security sector takes into consideration that women have been historically disadvantaged and that they may need special mandates and quotas to overcome this discrimination so that they can contribute to policing, for example.



Figure 63: Gender Mainstreaming in Security

Gender sensitivity: Gender-sensitivity is process of raising awareness about and addressing the different needs of males and females. All research in complex environments should disaggregate data to understand the different experiences of males and females. Gender-sensitive assessments examine how policies and projects affect males and females differently. Conflict assessment researchers should pay attention to the possible gender gap between the way women and men experience violence and insecurity as well as their involvement in supporting peace. Gender-sensitive human security requires paying attention to the different experiences and capacities of males and females. This is especially important at checkpoints, border crossings, home searches, in setting up camps with water, sanitation and housing, food and fuel (access to firewood) for displaced people.

Gender accountability: All people need to have resources, access, skills, and self-esteem to participate fully in the decisions that affect their lives, including in working for human security. Women and people of diverse gender identities should also be included in mechanisms for oversight of the security, to ensure security assessment and strategies offer protection

## 5. Impact of Sex and Gender on Protection of Civilians and Human Security

Gender influences human security in a variety of ways.

- Males, females and people of diverse gender identities experience different forms of violence
- Males and females may be taught different ways of managing conflict
- Females and people of diverse gender identities may be excluded from contributing to human security

Men and women may have different ways of dealing with conflict based on ascribed societal roles. Women may be discouraged from using violence if it is not seen as feminine, while men may be encouraged to be violent to prove their masculinity. Negotiation and dialogue may be seen as feminine, and most cultures value masculine traits more than feminine traits.

Women may be able to play important roles in human security and peacebuilding, but gender roles may prohibit them from doing so. Men may be willing to negotiate and forgo violence, but gender roles may push them toward violent solutions. The case study here illustrates that both men and women participate in the link between gender roles and violence.

#### **6. Civilians, military and police each have a role in preventing and responding to SGBV.**

Just as all stakeholders have a role to play in protection of civilians, the security sector, including the military and police, the justice system and other civilian government programmes, humanitarian organisations and civil society also need to account for the specific needs, perceptions and experiences of insecurity from sexual and gender-based violence threatening women, men, boys and girls.<sup>142</sup>

For example, civil society can ensure that sexual and gender-based violence is a public issue discussed in the media and in social forums to highlight the often-invisible forms of sexual and gender-based violence. The police should have training and procedures to respond to the different forms of violence that men and women typically encounter, and special procedures to respond to children. The military can ensure that soldiers recognise their roles in preventing sexual and gender-based violence in any interaction with civilians. As noted earlier, DDR programmes should include special provisions for the safety of female soldiers. The different needs, perceptions, and experiences of each gender must likewise be taken into account in SSR processes. Security sector institutions often exclude perspectives of local populations, especially women.

#### **7. Sexual and gender-based violence is a significant threat to human security.**

In complex environments, women, men, girls, and boys experience different forms of violence because of their sex and gender. Displaced populations are vulnerable to sexual exploitation, prostitution, and trafficking because they may lack a home, a livelihood, and they may have already suffered trauma, increasing their risk to further exploitation.

The legal frameworks and criminal justice systems may be inadequate, unwilling, or unable to protect women, children and vulnerable men from sexual exploitation and abuse. Widespread corruption and impunity means perpetrators of sexual and gender-based violence may not be held to account.

All stakeholders operating in complex environments need procedures and accountability mechanisms for sexual and gender-based violence. In most NGOs, international agencies, military and police forces' policies, these mechanisms are still weak or missing.

Security forces and humanitarians working in a complex environment, who are both under stress and have contact with vulnerable populations, have been known to themselves engage in sexual and gender-based violence. The people tasked with protection of civilians may themselves be guilty of SGBV. Some military forces have

#### **Masculinity and Cattle-Rustling**

In some tribes, men steal cattle from other ethnic groups or "cattle-rustle" as a way of proving their manhood. Cattle rustling often leads to tribal warfare or ethnic clashes as men from one tribe may kill those of another tribe in pursuit of justice for stolen cattle. Mothers will tell their sons that they will not find women to marry unless they prove themselves as "real men" who participate in cattle rustling. A man who has killed other men in battle is allowed to adorn himself with special markings, bracelets or beads. These marks are considered prestigious and earn men both the affection of women and leadership roles in their community.

#### **Power & Responsibility**

"The penalties for inequality between women and men are very severe. And they are not borne by women alone. They are borne by the whole world. Power, tempered by the wisdom and restraint of responsibility, is the foundation of a just society. But with too little responsibility, power turns to tyranny. And with too little power, responsibility becomes exploitation. Yet in every country in the world, power and responsibility have become unbalanced and unhitched, distributed unequally between men and women... The penalties of women's too-great burden of responsibility and their too-small slice of power... are hardship, sickness, hunger, even famine...."

Debbie Taylor, *Women: A World Report*. University of Virginia 1985.

high internal rates of sexual violence. Males, females, and people of diverse gender identities report high levels of sexual violence within some military groups. Violence against women living or working around military bases is also well documented. Likewise, some police forces have a record of ignoring or avoiding incidents of sexual and gender-based violence, or even intimidating women who report such violence.

## 8. Sexual and Gender-based Violence Against Females

The United Nations programme “UN Women” published the following facts:<sup>143</sup>

- Violence against women occurs in all countries across social, economic, religious and cultural groups. One of every three women experiences physical assault (raped or beaten) by her husband or partner.
- It is estimated that of all women killed in 2012, intimate partners or family members killed almost half.
- More often than not, cases of violence against women go unreported.
- Human trafficking impacts millions of women and girls and is the equivalent to modern-day slavery. Women and girls represent 55 per cent of the estimated 20.9 million victims of forced labour worldwide, and 98 per cent of the estimated 4.5 million forced into sexual exploitation.

The table below<sup>144</sup> illustrates the types of sexual and gender-based violence women, men, girls and boys experience before, during, and after war, even in times of peace. These include physical forms of violence such as domestic violence and rape. Psychological forms of violence include harassment and humiliation. Structural violence refers to the way many education systems give preferential treatment to boys, or the way women are left out of political decision making processes that impact their lives.

<b>Forms of Violence Against Women</b>			
	<b>During “Normal” Life (No War)</b>	<b>During War or Crisis</b>	<b>Post-war</b>
<b>Physical Forms of Violence Against Women</b>	<ul style="list-style-type: none"> <li>–Domestic violence</li> <li>–Rape</li> <li>–Female genital mutilation</li> <li>–Female infanticide (killing girl babies)</li> <li>–Trafficking of women as sex slaves</li> </ul>	<ul style="list-style-type: none"> <li>–Public violence correlates with an increase in domestic violence and rape</li> <li>–Forced prostitution and sexual slavery</li> </ul>	<ul style="list-style-type: none"> <li>–Increased domestic violence and rape</li> <li>–Rape victims experience beatings or death by family members who want to return the family’s honour</li> </ul>
<b>Psychological Forms of Violence Against Women (Emotional abuse, verbal abuse)</b>	<ul style="list-style-type: none"> <li>–Sexual harassment in the workplace, religious institution, or family</li> <li>–Sexist humour</li> <li>–Shaming women for being raped</li> <li>–Cultural acceptance or glorification of violence against women</li> </ul>	<ul style="list-style-type: none"> <li>–Portrayal of women as victims degrades the worth of women</li> </ul>	<ul style="list-style-type: none"> <li>–War rape victims experience social stigmatisation, physical and mental trauma</li> </ul>
<b>Structural Forms of Violence</b>	<ul style="list-style-type: none"> <li>–Giving boys more education, food, and opportunities than girls</li> <li>–Giving girls more work than boys</li> <li>–Paying women less than men for the same work, resulting in the feminisation of poverty (most poor people are women)</li> <li>–Placing limitations on female leadership</li> <li>–Excluding women from inheritance and property rights</li> </ul>	<ul style="list-style-type: none"> <li>–As men leave to fight, women are required to provide for all family needs during a time when food and resources are scarce due to war</li> <li>–Women and women’s issues are often left out of peace settlements</li> </ul>	<ul style="list-style-type: none"> <li>–Few post-war reconstruction programmes address women’s physical and emotional needs resulting from war</li> <li>–80% of the world’s refugees are women</li> <li>–Women are often left out of peace processes where important decisions about the future are made</li> <li>–Truth and reconciliation processes may not make a safe space for the private and sexual nature of the war crimes against women</li> </ul>

Figure 64: Forms of Violence Against Women



## 9. Sexual and Gender-Based Violence Against Males

There is growing recognition that men and boys also experience high levels of sexual and gender-based violence. While data on SGBV against women has been well documented, males are often more reluctant to identify SGBV against them, and organisations have not been gender sensitive in data collection to ensure they identify strategies for collecting this information. SGBV against males is especially prevalent within some cultures, within some military forces with a high tolerance for SGBV and in refugee or IDP camps. In addition, armed groups may selectively kidnap and kill males.

The UN has guidelines on SGBV<sup>145</sup> against males to encourage more organisations to recognise that males are experiencing all types of SGBV, including rape. All males, just like all females, deserve human security and protection from SGBV. Because of the stigma related to SGBV against males, gender sensitive approaches are needed to address SGBV against males.

## 10. Sexual and Gender-Based Violence Against Lesbian, Gay, Bi-sexual, Transgender and Intersex (LGBTI) People

People with diverse gender identities often experience high levels of sexual and gender-based violence. The UN guidance on SGBV gives special attention to the violence suffered by LGBTI people.

## 11. Understanding Psychological Responses to SGBV

Many women and men do not seek help or safety when they suffer from SGBV. In order to best prevent and respond to SGBV in complex environments, civilian, military, and police leaders need to understand the complex psychological reasons why women may not seek help when experiencing sexual and gender-based violence. Responses to SGBV range from constructive to destructive responses.

Constructive responses to SGBV will lead women to seek safety and protection, whereas destructive responses motivate women to remain in silence. Unlike other victims of abuse, victims of SGBV are especially prone to responding destructively, which often further perpetuates violence against them. The range of possible reasons why women and men may react destructively to SGBV includes:

### *Tendency to blame themselves rather than others*

When a person is abused, many believe that they must have done something wrong to deserve the punishment. Victims may blame themselves for causing the violence. Others may contribute to this by suggesting that SGBV is the fault of the victim, who must have somehow “invited” the violence. In reality, there are no excuses for SGBV. All issues or problems can and must be addressed without violence.

### *Confusion between Violence and Love*

Some victims think that being battered is an expression of love or care for them and see the abuse as a form of attention. Some research suggests being ignored or neglected is experienced as a severe form of psychological violence. Rather than being ignored, some victims prefer to have men act jealous and violent against them because they think it is symbol of love.

### *Family Pride and Honour*

A victim may disgrace her family if she reports domestic violence. Acknowledging that there are problems within a family is sometimes seen as bringing shame to the family. In order to protect the reputation of the victim’s larger family network, she may choose to keep silent about domestic violence.

### *Socialisation*

Many victims, especially females, are taught to be passive and nurturing. When women are in violent relationships, they may feel that they have to be quiet in response to abuse and may feel responsible for taking care of the family relationships.

### *Coping Mechanisms*

Victims of SGBV develop coping mechanisms that help them to get on with their lives despite the abuse they have suffered. Although expressing pain and suffering to others can be a way of coping with it, many victims of SGBV tend to adopt coping mechanism that foster silence. Some of them try to forget about violence against them because to identify it may cause too much stress or pain. Others may minimise the abuse and claim that it isn’t affecting them emotionally or physically even if it is.

### Threat of Increased Violence

If a person reports on SGBV or seeks help from others, the perpetrator may seek revenge and threaten her with even more violence. For example, a woman may keep quiet to protect herself and her children.

### Society's Lack of Resources and Responses

Many victims of SGBV are unable to seek protection because the society in which they live fails to provide them resources. Social support centres, legal remedies, employment opportunities, child benefits or childcare are institutional mechanisms that would make it easier for women to speak out and report abuses. But in absence of these resources, women tend to resign themselves to the belief that seeking help is futile since nothing will be done to address it.

### Lack of Information about Options

Victims may also remain in silence because they are unaware of programmes such as domestic violence shelters in their communities.

## **12. Understanding Male Violence**

Males commit almost all SGBV violence. Men are not any more “naturally violent” than women. Both women and men have the potential for great violence and for contributing to peace. But while most women are socialised to be peaceful, many boys are socialised to see aggression as proof of their masculinity or their maleness.

Most cultures connect masculinity to concepts of courage, competition, assertiveness, and ambition that are expressed through physical aggression and violence and repression of other emotions. In many communities, men are asked to prove their masculinity through violence. Some fathers tell their sons that war will “bring out the man in you.” Many boys learn that war is respectable and that heroes are warriors, soldiers, and conquerors.

FEMLINKPacific works with military officials and policymakers in Fiji and the South Pacific to improve the implementation of the global Women, Peace and Security Agenda.

- Read more about their work in “Local Ownership of Security” - the companion to this Handbook.

In most cultures, young boys are encouraged to repress empathy, to be tough, fearless, not to cry and to value winning or dominating over others. Sometimes women pressure men to be violent to prove that they are “real men.” Mothers may ask their sons to fight wars. Young girls may find aggressive young men more attractive than men who do not fight.

Male violence against women in the form of domestic violence is also directly tied to masculinity. Some men commit domestic violence against women as an expression of their frustration and shame at larger structures that humiliate and shame them. When some men feel powerlessness in the face of unemployment or an inability to earn social respect, they resort to violence against women to prove their manhood. Men may engage in SGBV because of their own insecurities, mental illness resulting from childhood trauma or abuse, alcoholism or drug addiction, feelings of humiliation from others that are transferred to weaker victims, or an inability to handle angry feelings without violence.

The ideological language of war often encourages male aggression against women. Male combatants often glorify their own image using masculine language, while referring to the enemy in feminine terms. Metaphors like “penetrating the enemy” used in military strategies may incite men to engage in rape and abuse. At the same time war rhetoric looks down on non-violent methods to resolve conflict. Male leaders who favour negotiation or diplomacy rather than war are called “wimps” or “girls,” challenging their manhood. Men may be socially sanctioned and criticised for working for peace.

## **13. Impact of Gender Discrimination on Women's Contributions to Human Security**

Civilian, military and police leaders have important roles to play in both preventing sexual and gender based violence and in ensuring that women can participate in broader human security processes. It is important to create special programmes to empower women to bring their experiences, ideas, and concerns to the tasks of building peace. Women and men have different social networks in many societies. Some women may have unique levels of access to places such as the market or religious networks. Some women may be uniquely able to mobilise their community to accept a peace settlement or to engage in dialogue through their extensive family and communal relationships.

Because women are half of every community and the tasks of peacebuilding are so great, women and men must be partners in working toward human security. SGBV limits women's ability to participate in

activities that support human security. Because women and men have different experiences of violence and peace, women must be allowed and encouraged to bring their unique insights and gifts to the process of peacebuilding. Women are excluded from public decision-making, leadership, and educational opportunities in many communities around the world. Since women are the central caretakers of families in many cultures, everyone suffers when women are oppressed, victimised, and excluded from peacebuilding. Their centrality to communal life makes their inclusion in peacebuilding essential.

Because many women suffer from structural oppression and domestic violence, they are more likely to understand that human security requires both the absence of war as well as safety within the home or community. In peace negotiations and political arenas, women more often include concerns for structural justice, human rights, and an end to domestic violence.<sup>146</sup>

Women are not “naturally” peaceful. Women have played a variety of roles throughout history that support war and other forms of violence, from warriors to supportive wives and mothers calling men to the battlefield. Women have the capacity for both violence and peace. Like men, women must be encouraged to use their gifts in building peace. Many girls are socialised not to express anger toward others, as anger is not seen as “feminine” in many cultures. Many girls are encouraged to develop relationships and relational skills, as these skills are useful for taking care of children and family networks. Many girls are conditioned to believe they are “weaker” than boys and so develop nonviolent forms of problem solving.

## REVIEW

This lesson provides civilian, military and police leaders an understanding of the activities required for gender mainstreaming in security. All stakeholders have a responsibility for becoming gender sensitive, gender inclusive, and gender accountable. This lesson described two global agendas: sexual and gender-based violence and women (SGBV) and the women, peace and security agendas. Greater coordination and understanding of these two agendas will enable a more systematic approach to gender mainstreaming in security.

## Citations

<sup>142</sup> See the following Inter-Agency Standing Committee guidance (Geneva, Switzerland: Inter-Agency Standing Committee) at <http://www.unocha.org/what-we-do/coordination-tools/UN-CMCoord/publications> accessed October 2015.

- Report on the IASC Task Force on the Protection from Sexual Exploitation and Abuse in Humanitarian Crises
- IASC Policy Statement on Protection from Sexual Abuse and Exploitation in Humanitarian Crises
- IASC Guidelines for Gender-based Violence Interventions in Humanitarian Settings
- Focusing on Prevention of and Response to Sexual Violence in Emergencies. September 2005
- GBV Area of Responsibility. 2010. *Handbook for Coordinating Gender-based Violence Interventions in Humanitarian Settings*. At: <http://oneresponse.info/GlobalClusters/Protection/GBV/publicdocuments/GBV%20Handbook%20Long%20Version%5b1%5d.pdf>.

<sup>143</sup> See more at: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#sthash.JLs3cwfg.dpuf> accessed October 2015.

<sup>144</sup> Adapted from Lisa Schirch. “Frameworks for Understanding Women as Victims and Peacebuilders.” in *Defying Victimhood: Women and Post-Conflict Peacebuilding*. Ed. Albrecht Schnabel and Anara Tabyshalieva, (Tokyo: UN University Press, 2012).

<sup>145</sup> UN High Commissioner for Refugees (UNHCR), *Working with Men and Boy Survivors of Sexual and Gender-based Violence in Forced Displacement*, July 2012, available at: <http://www.refworld.org/docid/5006aa262.html>. accessed 6 November 2015.

<sup>146</sup> Sanam Naraghi Anderlini, *Women Building Peace: What They Do, Why It Matters* (Boulder, Colo.: Lynne Rienner Publishers, 2007).

## Lesson 27

## Learning Exercises

### Anchor

10 minutes

To begin the lesson, anchor the content in this lesson with an open question:  
“Do people in your organisation experience sexual and gender-based violence?”

### Add

20 minutes

Present the PowerPoint slides or ask participants to discuss the lesson readings in a small group.

### Apply

25 minutes

In scenario team groups, discuss how you would address the following challenges in your scenario: Each scenario team receives a report outlining the following challenges. What do each of the stakeholder groups do in response?

- In scenario A, a group of 300 girls are abducted from their school.
- In scenario B, a group of 20 female college students protesting against violence disappear. The parents of the girls believe the police know what happened to their daughters and even looked the other way as criminal gangs carried out the abduction.
- In scenario C, media report that two women, a mother and her daughter, are stoned to death.

Each stakeholder team has 10 minutes to discuss their response.

The facilitator should then open the scenario role play and allow 10-15 minutes for teams to meet and discuss options.

The facilitator pauses the role play. Each team shares their strategy with the other teams. The facilitator asks the entire group for their observations on what strategies to address SGBV seemed most successful or possible in their scenario.

### Away

5 minutes

To end the lesson, the trainer can ask participants to divide into groups of 2 or 3 people. Participants can share with each other their reflections on this lesson.





## Lesson 28

# Mitigating Civilian Harm

### Learning Objectives:

At the end of the lesson, participants will be able to:

1. Identify at least three causes of civilian harm from security operations
2. Identify the ethical and strategic impacts of civilian harm
3. Identify at least five aspects of setting up a civilian harm incident management system

The first two lessons in this module focused on the responsibilities and roles that security forces and civil society have in protecting civilians from harm. This lesson addresses a related problem of how to respond to accusations of civilian harm. Security forces and civil society can coordinate efforts to prepare for and mitigate civilian harm that results from a security operation. This lesson outlines the steps for managing a civilian harm incident.

This lesson draws the specific methodology and guidance for mitigating civilian harm developed by the *Center for Civilians in Conflict (CIVIC)*. This text is copied and adapted from their written materials.

### 1. Causes of civilian harm

Military and police actions can unintentionally cause harm to civilians. In the past this was referred to as “collateral damage.” Today security forces increasingly use the “civilian casualties.” Civilians may be harmed in a variety of ways, including the following:

- **Inaccurate gunfire or bomb attacks:** Security forces cannot be assured that their weapons will hit their targets. Some attacks are not accurate and harm civilians who happened to be near the attack.
- **Raids:** Civilian harm may result from military or police raids.

- **Mistaken identity:** Civilians may be mistakenly targeted if intelligence wrongly identifies them as a legitimate target
- **Force protection:** Civilians may be harmed as security forces attempt to protect their own
- **Direct contacts:** In some contexts, civilians may be seen as collaborators with security forces if there is direct contact between civilians and military or police. Armed groups may view civilians who have had direct contact as soft targets, easy to harm and punish for their collaboration.

## 2. Civilian casualties are an ethical and legal issue

Three principles relate to protection of civilians:

Principle of Distinction: Armed groups should distinguish at all times between civilians and civilian assets and military and police and their vehicles, buildings, and other assets.

Principle of Proportionality: Armed groups are required to weigh the military benefit of an operation to harm it is likely to inflict on civilians. Any harm to civilians requires legal and ethical decision-making to determine the proportionality of benefit to harm.

Principle of Precaution: Armed groups should make every effort to prevent harm to civilians in their operations.

## 3. Civilian casualties are a strategic issue

Civilian harm impacts public perceptions about the legitimacy of security forces and the government for which they work. The greater the levels of civilian harm, the more likely the public will question or turn against the security forces and the government. Consider these two quotes from the former President of Afghanistan and from a Taliban commander in the armed opposition to the government.

*“Civilian casualties are undermining the support in the Afghan people for the war on terrorism. ... How can you expect the people who keep losing their children to remain friendly?”*

[President Karzai, 2009]

*“The people who are fighting with the Taliban are the brothers, uncles and relatives of those killed by the foreign soldiers. They have joined the Taliban and are fighting the foreigners because they want to avenge their brothers, fathers and cousins.”*

[Taliban Commander in Uruzgan, 2008]

## 4. Civilian Harm Incident Management

All military and police operations need to have a standing policy and set of procedures for mitigating civilian harm. For example, in Afghanistan, NATO nations agreed on the following set of non-binding policy guidelines for how to respond to alleged cases of civilian combat-related harm—including death, injury and property damage.

- Promptly acknowledge combat-related cases of civilian casualties or damage to civilian property.
- Continue to fully implement the ISAF standard operating procedures for investigating possible cases of civilian casualties, or damage to civilian property, and endeavour to provide the necessary information to the ISAF civilian casualties tracking cell.
- Proactively offer assistance for civilian casualty cases or damages to civilian property, in order to mitigate human suffering to the extent possible. Examples of assistance could include ex-gratia payments or in-kind assistance, such as medical treatment, the replacement of animals or crops, and the like.
- Offers of such assistance, where appropriate, should be discussed with, and coordinated through, village elders or alternative tribal structures, as well as district-level government authorities, whenever possible. Assistance should also, where possible, be coordinated with other responsible civilian actors on the ground.
- Offering and providing such assistance should take into account the best way to limit any further security risk to affected civilians and ISAF/PRT personnel.
- Local customs and norms vary across Afghanistan and should be fully taken into account when determining the appropriate response to a particular incident, including for potential ex-gratia payments.
- Personnel working to address cases of civilian casualties or damage to civilian property should be accessible, particularly, subject to security considerations, in conflict-affected areas, and local communities made fully aware of the investigation and payment process.
- The system by which payments are determined and made should be as simple, prompt and transparent as possible and involve the affected civilians at all points feasible.

- i. Payments are made and in-kind assistance is provided without reference to the question of legal liability.

## **5. CIVIC's 7-Step Process**

Civil society organisations such as the CIVIC also have a role in civilian harm mitigation. CIVIC began working on behalf of civilians during the wars in Afghanistan and Iraq when it became evident that the international coalition of military forces did not have adequate procedures for or an understanding of the necessity to and acknowledge and make amends for harm to civilians. Today they work in a variety of conflicts from Syria to Somalia.

CIVIC has a method for helping security forces prepare for, investigate, and appropriately respond to cases of civilian harm. While discussed in a generalised setting here this method can be adjusted and applied to many different types of conflicts and to various armed actors. The method begins by identifying the civilian harm mitigation practices that currently exist within a government and their military or other armed actor. CIVIC consults with civilians themselves to assess protection challenges, to garner information on whether current mechanisms are working, and if not, what local civil society leaders see as necessary in order for civilian harm mitigation systems and programmes to work effectively. The ultimate aim is to ascertain challenges in preventing and addressing civilian harms and recommend specific policy and practice to address gaps.

The following 7-step process describes how security officers can effectively manage allegations or incidents of civilian harm. The process ensures respectful treatment of civilians and can decrease the negative impacts of combat operations on the population. This in turn has a positive effect on the perceived legitimacy of security forces. While the CIVIC's method focuses on national level military operation, the 7-step process is also relevant to police operations that may cause civilian harm.

### **Step 1: Be Prepared**

Military and police operations pose a risk to civilians. Preparation before an operation begins and before incidents of civilian harm occur is important, as it can be difficult to discern valid incidents from false allegations of civilian harm, especially in the midst of a crisis in a complex environment. Put systems in place in advance to take these preparatory steps:

- a. Publicly acknowledge risk of civilian casualties & outline response measures including how civilians can report alleged harm. Military and police should communicate with the public on the following issues:
  - Describe the precautions being taken to prevent civilian harm
  - Identify the reasons that security operations may endanger civilians and let the public know that civilian casualties may still happen, despite precautions;
  - State that allegations of civilian harm will be taken seriously but must be investigated;
  - Identify the procedures for raising concerns, complaints or reports of civilian harm, including what is expected of the public in filing such a claim of civilian harm
- b. Draw up Standard Operating Procedures (SOPs) including timelines for investigation & response
- c. Identify and develop relationships with community leaders to assist in incident management as part of regular community liaison work
- d. Set up and maintain regular liaison structures with the United Nations' Human Rights Commission (if applicable) and the local human rights commission within the country.
- e. Designate officers to be in charge of incident handling.
  - Preferably senior level military and police leaders who are well trained on civilian harm mitigation policy and practice and have access to relevant military and police personnel who were involved in an incident or understand the broader context in which it happened
  - Able to spend sufficient time addressing civilian harm, without too many other responsibilities
  - If staff change, make sure there are institutionalised training and preparation for new staff to take on the responsibilities of preparing for incidents of civilian harm

### **Step 2: Listen to the Initial Complaint/Allegation**

Reports on civilian harms can come from a variety of sources.

- Military or police officers
- Local civilians



- Civil society organisations
  - News media
- a. When local civilians or civil society organisations approach security forces to make a complaint, it is important to make time to hear the allegation so the community sees that the security forces take the complaint seriously. Ensure that the officer in charge of civilian harm incidents can be reached, listens respectfully to document their account of the incident, and takes sufficient time to explain the process for investigating the allegation.
    - Ensure security procedures where civilians will report cases of civilian harm are reasonable and do not unnecessarily frustrate or add to the anger over the situation. Ensure that the personnel at the entry gate have direct contact with the responsible staff on civilian harm mitigation by mobile phone and are instructed to contact the staff promptly if complainants arrive. Be prepared to go to the gate and facilitate entry procedures to avoid unnecessary aggravation.
    - With big groups ask for around 5 to 10 representatives to be identified so a meeting to hear the concerns is manageable.
    - Some allegations and rumours might sound completely ridiculous. The initial test for whether it is worth researching an allegation is not whether a story appears credible to an officer, but whether local people appear to give it any credit.
  - b. Be proactive if the security forces know of an incident, but no one from the community or civil society comes to report the incident, forces should initiate a meeting with community leaders. Civilians may not report an incident because of fear, anger or distrust. Reaching out to community leaders to communicate with them about an incident can defuse tension and build trust.
  - c. Keep track of media reports, gossip in the marketplace, and enemy propaganda, which may build on a real situation, but change key facts. Regularly crosscheck reports against internal military or police records of casualties, weapon discharges or other significant events that indicate civilian harm. If a rumour/ story appears sufficiently serious & damaging, raise it with the relevant community leaders directly to provide information directly to them.

### **Step 3: Initial Response**

If an allegation is clearly well documented, move immediately to stage 6 (making amends.)

- If an allegation requires investigation, explain the relevant procedures and clearly set out timeframes and what kind of assistance is required.
- If an allegation is clearly incorrect, explain why the allegation is seen as false in as much detail as possible (even if this entails “proving a negative”). The more evidence you can rely on the better – many locals can be persuaded of your version of events but are unlikely to give you the benefit of the doubt.
- Be prepared to explain and justify why there are questions or doubts about an allegation, even if the points seem obvious. No one’s credibility can be taken for granted. In a complex environment, diverse stakeholders may have a history of distrust for others. If there is in any doubt, then opt for an investigation of an allegation. Often the process itself will play a major part in addressing local anger and concerns. The worst thing you can do is ignore a grievance.
- If confronted in the immediate aftermath of an incident, be especially sensitive to local anger and to any cultural sensitivity (e.g. avoid touching dead bodies).
- When dealing with people who claim to have lost relatives or have been involved in an incident of civilian harm, show empathy and respect even if you’re not yet sure whether and to what extent the claim is genuine. Remember that people show grief in extremely different ways. Consider how you and your family would want to be treated if the roles were reversed.
- Some complainants will be insulted if they are asked to provide evidence to back up allegations rather than believed outright. The need for evidence can be justified in several ways, such as chain of command requirements to produce backed-up reports / not release any compensation money without evidence, etc. Often though, complainants will be happy to contribute to a serious investigation.



#### **Step 4: Investigation**

There may be three separate investigations.

- a. An initial local investigation uses a low standard of proof and works on a short timeframe. The goal is simply to determine if it is likely that civilians were harmed. This type of investigation should occur in most cases after an allegation is made.
- b. An internal investigation has a higher standard of proof and a longer time frame. This investigation assesses who is at fault and if there was misconduct.
- c. An independent investigation by the UN or an independent human rights commission may be useful, specifically if there are serious allegations and potentially serious criminal consequences. Independent investigations are valuable because they can have greater integrity and credibility than internal investigations. This can counter false or misleading information and lead to both short-term and long-term steps to mitigate further civilian harm.

In the Philippines, civil society and the government have set up local councils called “Bantay Bayanihan” to provide oversight on security. Security forces report on civilian casualties directly to the community. Together they discuss how best to respond.

*Read more about their work in “Local Ownership in Security” - the companion to this Handbook.*

Demonstrating to the community that a serious investigation is taking place is as important as the eventual findings.

- Make effective use of internal military records and crosscheck claims against them but do not automatically dismiss claims if no relevant internal records exist.
- Involve the community – gives an opportunity to tell their story/ air grievances & strengthens credibility of findings.
- Interview eyewitnesses separately and check consistency with other accounts/ evidence.
- Locate and, if possible, speak to any injured.
- Take account of the impact of education, social & tribal/ ethnic/ political background, etc. in assessing credibility
- Ask for evidence such as pictures of dead/ wounded/ damage, destroyed items, names of victims, etc. In most parts of the world, people have camera phones. Even if no immediate after-event footage is available, disposable, cheap cameras & GPS can be lent to community leaders to take pictures of graves, damage, etc. and coordinates. These can then be compared to internal footage of the relevant area, and tested in individual interviews.

Investigations face a number of challenges.

- There may be false claims.
- Victims may not want to be named (see reasons for this in the last lesson). Some cultures will not allow photographs of bodies or handling of the dead. Many cultural concerns are not absolute “deal-breakers” but simply require sensitive handling – e.g. assurances how evidence will be treated; pictures of dead females only to be shown to female officers, etc. Identify these cultural sensitivities, keep them documented and ensure replacement staff receives them during rotations.
- Within a security organisation, there may be different goals, multiple chains of command, and a lack of information sharing.
- The organisation may not have enough staff to carry out all the investigations that are needed.
- Witnesses may have a difficult time distinguishing between different types of uniforms. In a complex environment with military forces from different countries, all foreign forces may be blamed for actions carried out by any of them.

#### **Step 5: Sharing Findings**

The conclusions of an investigation should be shared with the affected community in a community meeting. Investigators (local, internal to the organisation, and independent investigators) should present evidence.

- Take care to protect individual sources. Recognise that the top priority should be doing no further harm. See the first lesson in this module for specific guidance on protection of civilians while conducting an investigation on human rights abuses or civilian harms.

- Any amends to be made can often be incorporated in the same forum.
- Findings that civilians were harmed need not entail findings of fault and need not be presented as such.
- It might be possible to “agree to disagree” with the findings of an investigation. Attempts should be made to show respect and all a way for all involved to save face by protecting their dignity.
- Credibility will develop if security forces acknowledge real incidents and deny false allegations.

### **Step 6: Making Amends**

Whenever it is likely that civilians were harmed, appropriate amends should be made, which may include:

- Apologies and explanations
- Monetary payments to victims and their families
- In-kind assistance
- Explaining any resulting changes, e.g. new guidelines, etc.

Communities will often be concerned with accountability – if the facts warrant it, it may help to explain that more detailed investigations are on-going and how they tie into the military justice system.

Sharing the outcomes of any relevant courts martial, inquiries, etc. with the affected community often has extremely positive impact.

It is essential that amends are seen to be made, i.e. monetary compensation offered to a family through a tribal elder will often be accompanied with ceremony to show that the amends for losses has been accepted.

Amends may be directed at individual families, at the wider community or at both (e.g. compensation payments for families who lost relatives and a new carpet for the village mosque in their memory). There is a wide range of options at commanders’ disposal that should be fully utilised.

Internal systems of accountability and due process often may not be recognised or respected by local people, who may have different ideas and expectations of accountability. It helps to explain why accountability processes are inevitably slow. If outcomes from court inquiries are available, sharing these even months or years after the relevant event may have a positive impact.

- Compensation must be clearly distinguished from humanitarian, development or other forms of civic assistance.
- There may be multiple sources to consider for compensation:
  - International Organisations (e.g. the World Bank, for example, set up and helped administer a compensation fund for Nepal)
  - National Government (e.g. programmes created by the government to help victims of terrorism, crime, etc. These programmes should be extended to also help victims of military operations)
  - Military or police (military and police may develop their own systems of making amends including small sums of money to recognise losses).
- Facilitate claims and make procedures as un-bureaucratic as possible
- Importance of standardisation & avoiding double recovery: Consider maintaining a unified database of all payments made in an area of operations.
- Compensation payments must avoid becoming an “opportunity” – principle of fairness. Should be equal in amount and accessibility for all those harmed. A database as mentioned above can help ensure fairness and combat corruption and opportunistic people. Bargaining can be avoided by reference to standardised guidelines and by conducting credible investigations that share their findings with the communities.
- Ensure you have a designated point person who has cultural sensitivity, has connections with the community, understands the strategic imperatives of paying compensation and can work toward mutual trust between the military, police, and the community.
- Consider linking amount & means of payment to local tradition.
- Know the sources of other help for victims, including programmes that may exist through international organisations, the national government, or local groups.. Some of these programmes may be will to take referrals from the military and police and and may help rebuild the lives of victims following harm with

more than a cash pay-out. Victims should receive all help available, even if it comes from multiple sources.

## **6. Local Media & Wider Community**

Respond promptly to any allegations, even if only to announce an immediate investigation and give a clear timeline for findings.

- a. Never issue broad denials in the immediate aftermaths of an incident if you don't have all the required information. Issuing immediate & broad "knee jerk reaction" denials without having the information to back them up may lead to repeated later changes and/ or retractions and is harmful both in regard of wider public relations credibility and relations with specific victims.
- b. Make findings of any investigations public within the promised timelines.
- c. Cultivate a relationship with local journalists and "opinion leaders" & contact them regularly with updates. Local media works very differently to international media. Professional standards, including investigative skills and corroboration requirements, may differ from country to country.
- d. Do not rely only on centrally issued press releases – at the very least press releases need to be translated & shared effectively. Messages must be carefully tailored to local environments.
- e. In case of major incidents consider holding a dedicated large public meeting or other public response.
- f. At an initial announcement it is perfectly possible to deny elements that are clearly untrue/ acknowledge true parts of a story and promise an investigation into the remaining aspects.
- g. In some contexts, insurgents go to significant lengths to calibrate messages according to the intended audience. They will often utilise local folklore, religious and historical allusions and language to great effect. Messaging from military and police must attempt to compete with this in sophistication. Similarly, insurgents carefully cultivate relations with local media and are extremely responsive to their requests.

## **REVIEW**

This lesson provides civilian, military and police leaders an understanding of the activities required for mitigating civilian harms. It is important military, police, and civilian agencies to have specific people tasked with addressing civilian harm, and to detail the specific steps needed to respond to incidents of civilian harm. This will enable a more systematic approach to mitigating civilian harms.

## Lesson 28

## Learning Exercises

### Anchor

*10 minutes*

To begin the lesson, anchor the content in this lesson with an open question:

- What are the procedures for addressing civilian harms in your organisation, community or region?

### Add

*20 minutes*

Present the PowerPoint slides or ask participants to discuss the lesson readings in a small group.

### Apply

*25 minutes*

The goal of this exercise is to understand a process for how to handle situations where security forces harm civilians. In each of the scenario groups, the media announces that militia units are hiding amidst IDPs in the camps set up after an earthquake in the country. The police raid the IDP camp. Eighteen IDPs are killed in the gunfire between police and militias. Some stakeholder teams question the legality of the raid.

Each of the scenario stakeholder teams has thirty minutes to propose and then to negotiate or advocate with other groups for how they will investigate and respond to the civilian deaths. Then, each stakeholder team or group of teams is allowed two minutes to outline their plan and/or to oppose the plans of other groups. Debrief with open questions about the challenges and trade-offs in this role-play.

- What strategies to address harm to civilians seemed most successful or possible in their scenario?

### Away

*5 minutes*

To end the lesson, the trainer can ask participants to divide into groups of 2 or 3 people. Participants can share with each other their reflections on this lesson.