



**COLLATED MAIN FEEDBACK ON THE DRAFT MURAD CODE
OF JUNE 2020**

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IICI'S INTRODUCTORY NOTES ON THIS COLLATION OF FEEDBACK

For the necessary background, this document must be read with the separate document which summarises the feedback collated here, as well as the other information on the development of the current version of the Murad Code. That summary and other information are available at the project website: www.muradcode.com.

This is an organised collation of the main feedback received on the draft Murad Code (“DMC”; “draft Code”), including the Background Paper of which it forms part, since its publication in June 2020 and up to January 2022. It includes written feedback received from commentators as well as IICI’s notes of feedback provided during individual and group meetings with commentators. It includes very helpful feedback from victims or survivors (from IICI notes), from individuals who commented in their personal capacity, and from representatives of non-governmental, governmental and inter-governmental organisations. This collation does not include input secured during the initial pre-DMC “soundings phase”.

IICI publishes the feedback so that readers can see the range, depth and usefulness of the feedback received and so gain a clearer understanding of the evolution of the draft Code to its current version. IICI also hopes that this collation would be useful for research and other purposes.

This collation includes the positive and negative feedback received. Both kinds are important and helpful to the Project. However, the inclusion of and the presence of feedback in this collation do not necessarily indicate the agreement of IICI or its consultants with the content of that feedback. Furthermore, the publication of feedback does not necessarily mean that it will be integrated in future versions of the Murad Code or other parts of the Murad Code Project (“MCP”; “Project”).

At the time of inviting feedback on the DMC and other aspects of the MCP, IICI noted that feedback would not be attributed. Accordingly, this collation has been stripped of information which might identify commentators.

Some feedback is repeated in different sections, given its relevance to more than one issue or section of the draft Code.

Generally, IICI contextual, analytical and other notes are indicated in italics. This document has not been critically reviewed, nor has original language used by commentators or IICI been critically assessed or aligned with new or more appropriate concepts and formulations adopted since the preparation of this document.

IICI thanks everyone who has shared their feedback. In most instances, producing that feedback took hours of commentators’ time. IICI will continue to capture as much as possible of the richness of the feedback received in the Murad Code and other parts of the Project.

IICI also thanks Dr Ingrid Elliott MBE for collating and organising the feedback, and Nelly Warega for helping to prepare the document for publication.

1 GENERAL FEEDBACK ON THE CODE

1.1 OVERALL VIEWS ON NEED AND VALUE OF THE CODE

The vast majority of commentators and feedback were positive and supportive of both the need for and the value of the draft Murad Code (“DMC”; “draft Code”).

1.1.1 The need for the Code and value in the draft Code

- “A bad first experience telling, impacts a survivor to not want to tell again.”
- “Despite increasing public awareness about sexual violence, survivors continue to be exposed to unethical, unsafe and potentially harmful practices by various actors documenting these crimes. This is a persistent problem both during/in nexus to conflict and in peacetime. The Murad Code initiative could encourage greater accountability and more effective coordination among humanitarian and human rights actors, justice mechanisms, media and other stakeholders engaging with survivors to reduce risks of re-traumatization, stigmatization, intimidation and further harm. It could also support different actors with implementation of a survivor-centred approach to documentation of SV, mindful of survivor’s needs, health, safety and choices – as well as a better understanding of (unintended) negative consequences of forced reporting on access to healthcare (related to section 4.5: “We will endeavour to recognise and reduce barriers to accessing support for survivors whenever possible”).
- “I do think there is a need for ethics guidance aimed at those investigating CRSV. I hope that [my feedback] is useful in the revision process and that the end result is practical, focused and does not lead to more abuses.”
- [Documenters] “are so convinced of the importance and efficacy of their mandate that they inadvertently forget that survivors are the beneficiaries of the justice system, and that their views and informed consent are paramount. Proceeding to interview survivors in a rushed or unconsidered manner denies survivors the agency that is their human right.”
- “I don’t think [the failures are] by mistake – in my view this is very intentional. I would remove this word [*‘mistakenly’ in the Background Paper*] because it absolves people of responsibility when they intentionally bypass others to go directly to the source for the quotes and dramatic narratives.”
- “Noting re-interviewing survivors can have harmful emotional or psychological consequences.”
- “The Draft Murad Code and Background Paper recognize the need for providing further guidance and support to practitioners involved in investigating, documenting and prosecuting atrocities in order to implement a survivor-centric approach. The provision of guidance and best practices for properly engaging with survivors of conflict-related sexual violence is a commendable achievement.”
- “I wanted to thank you [...] for sharing the draft Murad Code with us, a much-needed code of conduct to support best practices for dealing with conflict-related sexual violence. “
- She is so grateful for the Code and the work being done on victims’ rights. The whole system has failed women (she has worked with). She thinks she did unintentional harm during prior work. She wishes there had been a code of conduct she could have used as a journalist 25 years ago.
- She is big fan of Murad Code Project. She spreads the Draft Murad Code in [*her unit*] and among partners, promoting it, has been doing it for some time.
- He really loves Draft Murad Code and project idea. It’s very practical and useful (the Draft Murad Code). Especially for [*his work with victims/survivors*], it is a super powerful document.
- “I would like to thank you for this paper and the initiative to create the Global Code of Conduct. I would also like to send my appreciation for making the development of “The Murad Code” a consultative process. The human rights violation that is conflict-related sexual violence deserves all of our thoughtful attention and ethical action; women and girls around the world deserve nothing less. The leadership of Nadia’s Initiative, IICI and PSVI is welcomed with thanks.”

- “Thank you for all your efforts in developing the draft Murad Code inspired by respect for a survivor-centred, locally grounded and value-added approach.”
- “As a reporter [...] - I saw Ms Murad subjected unnecessarily to reporters - particularly male - standing far too physically close to her and having to answer intrusive and traumatic questions. In the field - have also seen reporters interview witnesses and victims without much thought for their safety, identity nor traumatized state. Many are simply treated as a 'soundbite'. Similarly - survivors can be interviewed several years after the event in a TV studio setting and still be subjected to an insensitive line of questioning and be re-traumatized. There is also a terrible trend, particularly in print reporting for 'labelling' victims of sexual violence in tabloid language - 'sex slave' for example that must be very damaging to the individuals. I hope I can contribute in some way to this long overdue and much needed code of conduct. One of the problems with journalists is that they may - in the case of the media professional - prioritize a 'story', or public relations opportunity ahead of the well-being of the survivor or the preservation of the credibility of the survivor's future testimony. For re-interviewing, this is also the case in media interviews, media tours, press conferences. Also untrained, rushed interviews by unskilled media. - media interviews often take place years after the event and can re-traumatize. there needs to be a global standard for media consent forms. Media often risk the exposure of personal identities, locations, family members identities.”
- “In the list of problems [*in the Background Paper*] I would include the following: g) interviewers ask detailed and descriptive questions that may not be relevant or necessary for the case and may cause harm and/or re-traumatise the survivors; h) interviewers are not prepared to offer psychological first aid in case it is needed during or after the interview; concern that survivors may be exposed to researchers, documenters, investigators that are not properly trained and also that the survivors do not receive adequate advice along the way. also, in my experience a lack of follow up with support services - including for the families of survivors who may be the source of shame and stigmatisation of the survivor's experience. Rakhine is a good example of that.”
- She thinks it is fantastic work which is much needed on issues and for people who are so often forgotten. She really likes the website – she appreciates its simplicity and that it is very clear. She thinks it is laid out well and very digestible. Perhaps in the future we can add some pictures and videos/testimonials but also in a way that is consistent with the principles and objectives of the Code.
- “We would like to reiterate [*our*] support for Nadia’s Initiative and the draft Murad Code.”
- She believes that its important to have some kind of code. She is eager to learn more so that [*her organisation*] can commit to it and move forward in using it.
- It “definitively fills a void which is quite complex (variety of stakeholders, contexts, survivor experiences, jurisdictions, etc.)”.
- The draft Code is “really needed for survivors of assault in the [...] military)– I believe it could change the culture within institutions.”
- She believes there is a lot of interest in the Code and it’s great that it exists. She sees it as having huge potential. She is enthusiastic now there is a draft to discuss. She realises the tight timeframe for its drafting and appreciates the sounding process pre-draft. She thinks we should ensure maximum access and accessibility in the consultation process now.
- “These principles have been incorporated into my work from the very beginning as a lawyer trained on working with GBV survivors and also held to legal ethical professional standards that apply to my clients but also that provide a good foundation to apply to a broader set of individuals – taking a client-centered approach or survivor-centered approach, ensuring privacy and confidentiality have always been my guides. Similarly, my [*colleague*] is a trained social scientist and the principles identified here are ones that would be impossible not to follow and still be employed as an academic in her discipline. We share the lament that there is a need for the Code to focus on minimum standards rather than on best or aspirational standards. However we fully

understand why that is necessary from our own research experience on ethical breaches in data collection and reporting. We are grateful for the work of this initiative!”

- “This is an incredible project and I really appreciate the effort to bridge multi-sectoral issues. I believe this is much needed.”
- “It is an incredible job, and it is definitely needed.”
- “You have done a good job. I believe it’s a very important tool and I am eager to help and hear about next steps.”
- “The Code is called for and helpful. It is important to consider how to roll it out in practice. It should be to a diverse set of actors – human rights, journalists, protection and also the other justice actors like ICJ, ICC, OHCHR – that come into areas for investigations.”
- “First of all, such an initiative is long overdue and I’m pleased to see UK leadership on this topic. But, I do have a few caveats and recommendations geared at improving the quality and commitments leveraged behind this code.”
- It’s important there “is a broader understanding for actors who interact with survivors that their interactions can - especially if recorded - impact future testimony, jeopardise personal safety and re-traumatise survivors.”
- He believes even the draft Code has better equipped him to navigate inherent tensions in this work – to better balance collective versus individual objectives. “It is a good starting point for discussions and the kinds of questions we should ask – because those questions so matter and do influence approaches. There are two particular moments and ways I think: 1) why document, 2) how it should be done. I see it broken down into three aspects – A. general principles which help you see the balance needed, B. processes, and C. systems. The challenge as a donor is that we are one more step further away from the work and we only really get information from our implementing partners. What would be useful would be what in practice we can identify as good examples of good practice. What should it look like? What policies, systems, processes, qualifications should be there.” Something he hopes the Commentary will provide. “Also a donor checklist may be useful – what should due diligence looks like when you are vetting an organisation and its approach.” He reiterated that he thinks already the DMC is super, super useful.
- “As you can tell, I feel invested in ensuring the Murad Code becomes established guidelines in our daily investigations.”
- “Field staff shared an example from prior work experience at an NGO in [Latin America], where they accompanied the justice process of sexual violence survivors and carried out multiple interviews as part of a strategic litigation. Despite their good intention to support them, the NGO team faced challenges, including inadequate spaces for documentation (privacy aspects, number of colleagues, the time of interviews) and worked within their own professional specialization and capacities to support them (based on what they knew about the economic factors, risks and other activities survivors had). The NGO team faced the difficulty to enable authorities to understand the psychological and social work needs of survivors, despite the existing documentary support. Had they adopted this Code and its basic principles, upon reflection, they could have avoided tensions, inconveniences and stress to survivors, by pursuing a more humanitarian process and always watching for their dignity and human rights.”
- We should “allow the countries to borrow from the charter and domesticate to their context because not all situations are same even in country.”
- “Traditionally these crimes have been treated differently, overlooked, seen as lesser crimes and subject to victim blaming (particularly in national contexts) and victim stigmatization. They were not appropriately investigated because no one wanted to hear about them, and no one wanted to talk about them. When investigations were carried out, they were often carried out without understanding of sensitivities or impacts on victims and the Code seeks to address these failings in a comprehensive and thoughtful manner.”

- “[We] consider the Murad Code a constructive tool for enabling smooth implementation of relevant guidelines and international protocols related to crimes against survivor conflict-related sexual violence. The Code should contribute to greater uniformity of various processes, in particular with regard to the treatment of survivors, as well as to the better international co-operation their protection. It is crucial to raise awareness on the importance of adequately and efficiently prosecuting perpetrators and holding them accountable before national judiciaries, while understanding the severity of consequences suffered by survivors and the burden prosecution processes place on them.”
- “The focus on prioritizing survivors is in compliance with other best practices.”
- “Whilst it may appear that the criminal justice system does not always operate in the best interests of the complainant-that is to an extent an inevitability as all those affected have rights and entitlements. However, those who have been subjected to violence need to be encouraged to come forward and support prosecutions but must have confidence in the system in order to do so. It is up to all of us-whether criminal justice professionals or human rights actors to ensure that justice is delivered and that can only be achieved through trust, cooperation and partnership working -which my experience suggests is achievable whilst respecting each other’s professional roles and purposes.”
- “In our work, we eventually settled on demonstrating practically how upholding rights make interviews more efficient with regard to more and better-quality information and potential evidence, and how proper planning and preparation means fewer interviews. In our opinion the Murad code can easily use the same argument. What the code describes is a recipe for respecting dignity and improving efficiency. This could perhaps be spelled out in the code. Here in [...], the Prosecutors office, for decades frequently issued circulars that instructed the police to comply with rights, values and principles to little effect because they never explained what the officers should do. This changed when the police discovered the UK PEACE model in the 90s and adopted it back in 2000. Finally, we had an example of how the police should be instructed and a constructive conversation between the state prosecutor and the police.”
- “It would be great if the Code could prompt reflection and alternatives around drivers of bad practice – to lay paths for different choices and approaches.”
- On the explanation of the project and Code, “can this be re-worded to highlight the strength and resilience of survivors?”
- “As a general point, the idea of the Code is good, but in my opinion, there are some points that would need to be revisited.”
- “How can we ensure that documentation also respects the roles of other actors working with survivors? As well as the environment in which interviews take place.”
- We “suggest highlighting the Murad Code as complimentary to the International Protocol. Further highlight how the code promotes many of the same principles but further details some key principles and guidance on how the code can be utilised as a precursor to more detailed and specialised guidance.”
- “We recommend ensuring clarity that these are minimum standards for a code of conduct (and therefore not comprehensive) and that they are complementary to other existing efforts which are applicable to different types of actors; We recommend providing further information/clarity on what adequate training would look like for these minimum standards and for those not yet well-trained on working with survivors of violence;”
- She wants to explore the utility of the DMC as a tool for groups they work with at the local level. She wants to talk about the range of its applications. She hopes it can be used as a strong tool for local women – so they can empower and protect and so we all know what a survivor-centred approach means.
- She is keen to see practice which respects survivor rights and more ethical approaches.

- “Can we look at how we embed and prioritise getting the Code to those women’s groups working in rural areas? To ensure that we connect and consult with grass roots organisations.” She didn’t know how much we had managed to do that yet – since our outreach figures were very impressive. “But if we could target women survivors in their communities – how they can use the Code to empower and protect themselves, to help counter power dynamics which run the other way. And how they can use this to document for their own purposes, for their own forms of justice in their communities and lives. It is so important to get this into the community level.”
- Firstly, she wanted to point out how far we have come in documentation. She referred to a report called fact finding without facts. She wanted to remind us how recent “survivor-centred approach” was in terms of terminology and concepts. Even CRSV as an emerging priority is relatively recent. Going back to something raised – to remember to recognise the value in prompting conversations, creating spaces to discuss. That is an important contribution in its own right, irrespective of what comes next for the Code.
- She wanted to understand how we can develop the Code so it can empower affected communities. There seems an endless array of people doing it – so many permutations. But putting the lens at the right place – aiming to empower those affected – as an implementation angle, as for supporting and empowering.
- She thinks that the best and easiest way to embed the code is to take it to partners on the ground – through sustainable, reliable partnerships where there is trust built. She has spoken to a couple of people and everyone wants to engage. It can be taken to the ground and used.
- She does wonder – what makes the DMC different from everything else already out there. It seems that it centres and starts from the survivor. For survivors, it’s one more event they experience – through which they either feel supported or retraumatised. She is super interested to see the implementation and how survivors report the effect on interactions with them – that is how to measure and is the real test of the success of the code.
- “Perhaps one of the centers of the Code's contribution is to ensure that there is respect and guarantee for the rights of the victims during the documentation process, without affecting the needs of said process, in relation to its importance for the prosecution of the documented crimes.”
- “[Use the Code and Survivor Guide to] Empower survivors to push back and to ask legal representatives for X, Y and Z why this, why that.” This is something which she is passionate about and hopes to have support to do some more work on this, including in Uganda. She also spoke about Mexican survivors as potential future consultees. She [...] knows survivor groups there, who are very active. She also suggests Philippine survivors as an early focus group.
- “Is it possible to think that this Code can be annexed to a Convention that makes it enforceable from the State?”
- *[Does the draft Murad Code work for your organization? Explain.]* “Yes. It is the most appropriate document that I have ever read. Very apt and would be effective in dealing with Survivors of SGBV.”
- “The whole Code is outstanding and impressive. I don’t see anything that is unfavourable. It is an impressive work that would be very helpful with conflict related SGBV.”
- She is impressed with the scope. As explained this is not new – but she believes it has never so comprehensively been put together. This is the strength in the Code. She would also like to see it extend to questioning in the court room. For example, survivors are often asked about impact – how it made them feel? Those are the hardest questions for survivors – the video clip of Nadia Murad shows this very well. Why ask? She is eager to help and support this initiative.
- “[It] helps to create understanding that some things are essentials, non-negotiables. This is very important role of code. Red lines.”

1.1.2 Concerns, questions or recommendations about approach

Two groups of experts (18 in total) (some of whom have published their feedback: see Response to the Draft of the 'Global Code of Conduct for Investigating and Documenting Conflict-Related Sexual Violence', January 2021) expressed their view that a Code would not be helpful approach.

- “We recognise the fundamental concerns that led IICI, PSVI and Nadia’s Initiative to create the Draft Global Code, such as the overdocumentation, the often reckless and harmful treatment of survivors and witnesses of sexual violence in armed conflict as well as the exploitation of their experiences for particular interests. We share these concerns. However, the proposed global code of conduct should not be seen as a solution to the challenge of unsafe, unethical, or ineffective documentation practices, for the reasons outlined.”

Note: The specific concerns are included in the relevant sections below.

- “On the contrary, the Draft Global Code may in fact make it harder to develop effective responses to this challenge. This is because the Draft Global Code suggests that implementing these principles will resolve this challenge, when it is unlikely to do so. At the same time, it may also lead actors from the target group to believe they are authorised to interview survivors once they are familiar with the wording of the Global Code, creating further poor documentation practice. This approach runs the risk of preventing an adequate analysis of the causes and consequences of unsafe, unethical, or ineffective documentation practices. It also runs the risk of preventing the development of a holistic approach that can address the individual, institutional, communal and structural changes required to address these harmful practices.”
- *They also voiced concerns about the Code promoting or encouraging ‘documentation’:* “It is our concern that the underlying assumption of the Draft Global Code is that documentation is necessarily ‘good’, and that all survivors want documentation.” And “It is our concern that the Draft Global Code provides a permissive approach to documentation that encourages actors from the target group to believe that they are legitimately able to undertake documentation if they comply with the Code.”
- “We, a group of women experts, have been working for decades in contexts where insensitive and careless people - international and national professionals, journalists, investigators, prosecutors, judges, politicians, police without qualifications - re-traumatise and harm survivors of sexualised wartime violence. Often these people do not think about the future of women they interview, and their careless actions often enough have destructive effects. For these reasons, we welcome any initiative that seeks to create standards focused on the needs of survivors that contribute to respectful and empowering encounter. However, we are not convinced by your approach, which focuses solely on individual behaviour change.”
- *Some joined the call for or asked if there had been a public debate about the problems:* “I applaud the call to have a discussion on supporting survivors and ethics of documenting sexual violence, especially in conflicts. However, I have some trepidation if this document can promote a survivor-centred approach that is empowering, safe, ethical, and effective, among other things.” Before creating a Code, has there been a comprehensive public debate on approaches that are unsafe, unethical, ineffective, discriminatory and non-inclusive? If so, whose voices and opinions were included in this debate?”

Note: We hope this has been answered in the separate document which summarises the feedback, and in other public Project information available on the Project website. IICI would welcome further input on this, and can make available further data and information on processes.

Other feedback or questions about the approach are included here:

- “I support the goal of a concise guide in this important area, and I recognize the magnitude of the task you have put before you. [but]”
- I “would like cites for the growing reports that some actors are not aware or do not apply available guidance - Growing reports? Unaware? Source for this statement. Important to refer also to the

progress made in this regard, while recognising all the weaknesses below, I think it is important to recognise that efforts have been made to coordinate ethical documentation, including MARA and GBVIMS in many contexts, but there nonetheless remains a gap in the SGBV response sector and also data collectors for other purposes, including, scientifically research and journalism. Interviews can be not only rushed, ineffective, unsafe - they can also be disrespectful.”

- *Re Background Paper article 10:* “This does not do justice to the investments that are already made in this regard – ethical documentation and data collection is not new, efforts have been ongoing, though only limited progress has been made and success varies per context. Not clear how the global code will be more successful.”
- She questioned the need for the Murad Code when the WHO 2007 Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies exists and should be the first place that people should go.
- “The UN SRSG on Sexual Violence in Conflict has been working and advocating for protection of survivors in documenting conflict-related sexual violence. Also, in 2019 the Security Council adopted resolution 2467 with excellent language on justice actors and rights of survivors of CRSV. Does the code reflect those developments, and implementation plans?”
- “The Murad Code must be from a survivor perspective, but should also be a survivor initiative-with equal participation from survivors.”
- “The Murad Code will help survivors know their rights when they face a documenter - and help documenters know more about the people they interview.”
- “Indigenous people need to be able to read Murad Code- it is hard to access human rights due to language and illiteracy.”
- “The Murad Code should hire survivors to help with the research. Use videos to inform the community. Have survivors speak out on the Murad Code.”
- *[How should supporting, monitoring and enforcing the implementation of the final Murad Code work?]*
 - “Great question, it would take some time as training 6000+ members is always a challenge. And as I mentioned, there is still a culture of victim blaming within policing (my opinion only). Something such could/should be endorsed by a group such as the [National] Association of Chiefs of Police. Or added to provincial sexual assault standards. Policing partners are always looking for assistance and guidance when it comes to interviewing victims, I would promote that piece. A national WG to start the conversation?”
 - “Firstly, I think, there should be consistent education on the code, each country/organization review their policies and procedures to have a unified version that would cut across globally, and then a representative in each country/organization to be trained and later giving support to the units/departments dealing with Survivors. They can be called Advisers/Monitors or whatever. They can be sending reports on the status of how the Murad Code is being used and an international meeting/seminar annually or bi-annually to discuss challenges, progress, etc. Online continuous engagements can save financial challenges and easier during this COVID19 pandemic.”
 - “As a police investigator, various authorities have the power to assess, and if necessary, sanction my work if I have not followed the proper protocols. Who will be given the power to assess, evaluate, and sanction breaches of the Murad Code?”
 - “We are struggling with a culture shift in policing. Many officers use the trauma informed approach and investigate sexual crimes as they should – Murad Code style, however we have many officers who haven’t been provided the training or tools as of yet and there are those who have different views. It’s a work in progress.”

1.1.3 On the Commentary, Charter and other elements of the MCP

- “It would be good to include a clear definition for the reader to learn about differences between “minimum” and best, promising and aspirational?”
- [Reference to concrete resources for standardized training methodology on the ground rules of safe and respectful interviewing of survivors] “Endorsement by the Murad Code of specific training modules and resources would provide practical support to various actors and encourage all stakeholders to provide relevant and adequate training to their employees.”
- In reference to the Commentary: “Will this discuss or make note of the minimum training that all actors involved in investigating/documenting should receive?”
- She hopes that the Commentary can also give very concrete examples of how to and how not to. She finds the boxes in the IP2 [International Protocol on Documenting and Investigating Sexual Violence in Conflict 2nd Ed.] to be what helps most. What works and what doesn’t.
- “I also think it would be good to list the resources available to support countries and organisations supporting countries in providing capacity to ensure compliance with all facets of the code - documentation as well as investigation. Not all the tools available are safe and ethical so I think maintaining this is important. The JRR is a good place to start on this - I think! Also to link with progress under SCRs and CEDAW Committee general recommendations? Can we use this process to protect survivors during documentation in meeting requirements such as those proscribed under SCRs and treaty reporting? May be covered later or separately but how about the potential harm to the families, and service providers who may also be at risk? Not sure what it is meant here by outcomes. I will suggest to be careful in not raising expectations and thus be more specific and/or remove this goal. Reference to ‘victims’ should be ‘survivors’.”
- She also wanted to join her voice to the appraisals – this initiative is very important in her view. She likes the outcome. She is fascinated by the idea of the Survivors Charter and Survivors Guide – she is very positively surprised and believes it will help empower survivors. It is also really important for documenters to hear survivors’ voices and needs – their human concrete voices and perspectives. It gets lost in technical methods/objectives and it is crucial to remind people of their humanity. It will make a big difference to how they think. She also thinks it may motivate people to try to ensure an empowering experience for survivors. She is fascinated by these components and we have her strong support for these. She thinks it shows that we really care about a survivor-centred approach.
- She really likes the idea of the Survivor Charter and Survivor Guide. However she does worry about unintended consequences – she appreciated our stated intent around diversified voices but she also worried how we will actually manage to present such diverse voices while still providing clear guidance.
- “The Code seeks to identify core standards applicable to the investigation and documentation of crimes of sexual violence underpinned by the key objective of respecting and supporting survivors’ rights throughout that process. A Survivors Charter prepared by victims will also be developed to accompany the code. This will be an important addition and it would have been our preference for the Survivors Charter to have been developed first and the Code developed by reference to the rights contained therein.”
- She believes the Survivor Guide is one of the most significant elements for empowering and allowing survivors to use the Code for accountability of documenters and empower them. She is very keen to support and follow-up on this aspect.
- “Regarding the proposed ‘charter of survivors’, which has yet to be publicly released, there is the risk that survivors who are asked to draft the proposed charter are already privileged members of their communities. It is our concern that a ‘chosen’ few survivors become speakers on behalf of all survivors. This risks silencing those who are not among the ‘chosen few’, and ignores that ‘the survivors’ are not a homogenous group. Moreover, the division between the Draft Global Code ‘expert’ commentary and the ‘survivors’ charter reflects the privileging of experts as documenters

and survivors as providers of information (and not documenters). Such an approach amplifies rather than addresses the existing weaknesses in the Draft Global Code.”

1.2 SCOPE AND APPLICATION OF THE CODE

This section summarises/analyses the feedback on the big questions posed about the scope and applicability of the Code, including its focus on CRSV, ‘documentation and investigation’ for ‘justice purposes’ and whether it could and should have a multi-sectoral application.

1.2.1 CRSV or more?

The definition of conflict-related sexual violence

Many providing input noted the difficulties with multiple definitions, including the UN definition, NATO definition, IP2, etc. Most agreed that a broad inclusive definition is needed. A few comments noted that from a survivor’s perspective some of these definitional distinctions do not make sense.

- “Do actors on the ground distinguish either? If so, why do they distinguish?”
- “The definition used needs to be explained more and the title should be clear as well.”

Commonalities with other crimes with a sexual component

Some noted the commonalities and potential applicability to other sexual crimes such as sexual assault within the military, sexual exploitation and abuse in conflict/crisis, sex trafficking, sexualised torture and broader gender-based violence during and following conflict and crisis. Others noted that these other crimes had different jurisdictions and different investigating authorities – different response systems. But that is not from a survivor-centred perspective. One commentator urged as a bare minimum that there must be an explicit recognition of the overlap between SEA/SGBV/CRSV.

“The Murad Code should also be applicable to investigation of SEA committed by UN personnel and/or contingent militaries in peacekeeping missions, investigated by UN oversight bodies and National Investigation Officers. The same issues identified in para. 5 to 8 of this doc apply to survivors of SEA in the context of peacekeeping missions.”

Gender-based crimes/violence

- “There are wider forms of GBV associated with conflict. Where are other forms of GBV excluded [from these principles]? Survivors of any form of GBV should have equal access to services and support.”

Beyond SV in conflict?

Since sexual violence occurs on a continuum, some argue for its application to SGBV in peace and conflict as a more holistic, comprehensive and inclusive approach which would also more comprehensively cover crimes or violence targeting the LGBTQI+ community. It is important to engage with post-conflict realities as transitional justice and reconstruction have to grapple with structures and continuing influences which enable SGBV. Post-conflict, transitional justice, and development of justice systems and mechanism responses are critical beyond just CRSV in conflict.

Other commentators highlighted state-sponsored actions or actions by non-state actors with de facto power which take place in the context of widespread and systematic violations of international human rights law. This included systematic and structured political SV in peacetime, and its use by repressive regimes. Examples given included Gambia, Libya, Syria (pre-conflict), Belarus. Noting also the systematic use of sexual violence as a terrorist weapon or by terrorists.

One organisation noted that we must interrogate whether there is a privileging of a masculine notion of conflict and subsequently explain why certain forms of sexual violence are not covered by the Code.

To note, most appeared to be arguing for systematic, political or terrorism use of SV or post-conflict SGBV – rather than to a domestic one-off incident of SV or GBV. Some in the criminal justice sector pointed to the increased immediacy of broader public interest and safety for domestic SV which can necessitate a less survivor-centred approach in their view.

- “GBV advocates have been focused on highlighting the lifetimes of violence that many women and girls experience (with the most recent statistics that one in three women globally experience violence, most often from intimate partners) and that while CRSV can have devastating consequences, it should not be seen as separate or unique from the multiple forms of violence faced by women and girls and those with diverse sexual orientation, gender identity and expression and sexual characteristics (SOGIESC). Endorsing the Murad Code could be seen as taking steps backwards in their advocacy work and fetishizing one form of violence, CRSV, at the expense of continued attention and investment in addressing all forms of violence, exploitation, and abuse.”

Extension to non-SGBV crimes

Many noted that the principles of a survivor-centred approach and survivor rights should apply to all victims of crimes. That survivors of CRSV are usually victims of other international crimes too. Some noted that the principles in the Code are equally applicable and useful to other traumatized survivors, including specifically torture. Most suggested that this fact must be acknowledged upfront in the Code. Only two commentators thought a broader application would need changes to the content. Most acknowledged that the current Draft Murad Code principles and survivor rights apply to all human rights violations /international crimes.

There were comments relating to the needed prioritization of CRSV survivors but also about the discrimination against other survivors. Cautions were offered about specialization and lack of mainstreaming – which could mean actors do not read the Code because it’s explicitly CRSV and that’s not their focus. Some pointed to dangers that a CRSV-specific Code may lead to further decontextualizing and othering of CRSV. One person pointed out that what approach is needed may be contextual and change over time, e.g. Bosnia.

Arguments for a broad approach

- a) A broad approach avoids the need for duplication of effort and a multiplicity of standards.
- b) There are other crimes and violence which also causes trauma and requires the same sensitivities/trauma informed approaches with survivors.
- c) The general survivor-centred principle should not discriminate between survivors, and are useful and good practice for all. There was a concern that other survivors could be side-lined. A narrow focus could result in a backlash from other survivors who feel CRSV survivors are prioritized. Could it not create an arbitrary denial of other survivors’ rights?
- d) A narrow focus could aggravate the ‘othering’ of SV and compound views that these crimes are too hard to investigate and prosecute, and take more effort.
- e) Survivors are rarely only survivors of just CRSV. Could the arbitrary distinction/boundary lead to those crimes being ignored since they don't fit into this category.
- f) A broad approach also reinforces the contextualization of CRSV among other crimes.
- g) If labelled CRSV, will it only be read by a few – will others rule themselves out as so often the case when CRSV is seen as specialist? Most go looking for information about broader crimes/HRV – how can we rule them in and capture mainstreaming and unexpected disclosure Draft Murad Code Code of Conduct 4.3.
- h) Specialists/specialism can feed multi-interviews as different teams deal with different crimes.
- i) Specific provisions for only CRSV could be flagged if needed.

- j) Definitions of CRSV create false and arbitrary distinctions. Do survivors distinguish using these definitions? Are they really survivor-centred or are these distinctions we make in terms of response/responding authorities/actor? Are actors on the ground able to make these distinctions? Why should they? How does that help? Won't boundaries allow actors to define themselves out? Will actors understand how to apply definitions in practice? Will it lead to less inclusive application because that rules out the burden of its application?

Arguments for narrow approach

- a) A broad approach takes the attention away from CRSV.
- b) It risks reducing the potency of the Code. It needs a well-defined target group.
- c) There are unique and specific aspects to CRSV that merit a focused approach, such as heightened stigma, gender inequalities.
- d) Acknowledgement that strategic considerations may justify narrow approach for implementation.
- e) A broader approach may need amendments.
- f) There are already codes and guidelines for other types of crimes/HRV.

1.2.2 Collection of information for 'justice' purposes

Some of the feedback questioned the focus on 'justice purposes'. They asked, "Why just for justice purposes?", and even "Why just for information to be used other than for direct care and recovery (i.e support services)?" They pointed out that these principles and survivor rights are important regardless of the person or purpose of interacting with them. Others noted the multiple uses which can exist, and change over time: "Documentation can have multiple purposes, [for example] justice-oriented but at the same time [for example] case management. Oftentimes, purpose is not exclusively justice." Publication can often be followed by use in court, whether intended originally or not. "Noting that almost all media pieces or anything that is published can be used as open source in investigations and may lead to use in court."

Many of the commentators welcomed an expansive definition of justice – from how survivors define justice. Some recommended further explicit acknowledgement that 'justice' means different things to different people at different times. Each survivor understands it differently. One commentator explained that a Code focused only on criminal justice would not be survivor-centred. They noted that it is important to understand from survivors how they can be supported safely and effectively in their needs, efforts and priorities for 'justice'. "How do we try to understand what justice means for survivors in a local context, and support this?"

Some also proposed explicit reference to broader forms of justice such as:

- "justice in the courtroom"; "reparation, inc. rehabilitation, restitution, compensation, satisfaction and guarantee of non-repetition"; "truth telling", "international justice", etc.
- realization of rights, truth-telling, memorialization, reparation, effective remedies, acknowledgment or awareness of crimes and violations, formal civil or criminal court processes, as well as more informal and traditional forms of justice.
- "vetting and removal" (lustration)
- "It is recommended to also extend to measures of non-repetition, inclusion in reparation, compensation and social promotion programs."
- "It is recommended that it should be open to the different forms of justice to which survivors have access: traditional criminal justice, specialized justice for peace, retributive justice, restorative justice, ancestral justice and international justice, among others."
- "Non-repetition measures, inclusion in the public policy program, etc. including the attribution of responsibilities. In the case of transitional justice, for example, in addition to Restorative Justice, it tends to advance towards a prospective justice that contributes to the construction of solid

bases so that new generations know what happened and prevent events such as sexual violence. are repeated again.”

One commentator noted that a list might be confusing and lead to reductive interpretation. See also comments on specific parts of the draft Murad Code below.

One commentator stressed the importance of the Code to justice and HR actors whose work indirectly impacts survivors and their rights. “It is important to ensure victims/survivors are provided information to understand, and also to ensure even in peripheral work which is not directly related to accountability for crimes, that there is a strong recognition of survivor rights and acknowledgement of what has happened to them. Criminal justice systems have traditionally seen victims as peripheral to the main purpose of establishing whether an individual accused is guilty or not guilty of a crime – slowly victim’s rights and participation are being recognised. This should apply for all those with a mandate which can impact survivors even if it is collaterally or not directly a focus of the mandate.”

But one or two argued that “The Code should focus more narrowly on the different forms of justice purposes and hence on the different forms and processes of “documentation”. The definition of justice used in the Code is too large (in the sense of criminal proceedings and in the sense of social rehabilitation), and the objective seems to be both to improve the work of documentation of forensic evidence and to facilitate the collection of testimonies for advocacy purpose. This could create confusion as to the process and purpose of documentation and could put in fine humanitarian actors in front of ethical dilemmas, but “collecting” survivors’ testimonies in the context of a medical consultation, of a criminal investigation or for advocacy purposes are very different things, even if ethical principles are similar.”

1.2.3 Definition and breadth of “documentation” and “investigation”

Commentators noted the importance of clear broad definitions, one survivor noting that people tend to define themselves out if they can. It needs to be clear “what work, what interactions and who fall within the scope of the Code.” “The Code should apply regardless of why, when and where.”

- *“After reading the draft I feel that there are issues that must be clarified to establish what the objectives are, the Code seems to have a specific focus on surviving victims and documentation through their stories. I think that it is exhausted there and it is a matter that should be explicit somewhere.”*
- *“We understand that the principles and content of the draft Murad Code aims at tackling issues around contact and interviews with victims/survivors of conflict-related sexual violence. In this regard, it suggests better reflecting this objective in the title of the Code. This would avoid possible confusion, as the current title suggests a broader scope, according to which the Code would be also addressing issues related to documentation (i.e. verification, analysis, information management standards).”*
- *“The Code should also apply to appropriate documentation and surveys through research, polls, etc.”*

Note: the connection with the audience/scope/application of the Code is also discussed in other sections.

One set of feedback related to potential expansion beyond the initial collection (documentation/investigation) into later uses, storage, sharing, reporting, publishing and other phases in justice and other processes such as when prosecutors and judges get involved.

- “Not just investigative and documentation, also court phases: I would also like to see it extend to questioning in the court room.”
- “Prior: A step back prior coming to the documentation point is the documentation effort necessary and under which circumstances? I think there are some ethical considerations that we could feature in. After: The end use of the documentation gathered. This includes the analysis part of the documentation gathered, but also the importance of understanding the survivors accounts and not misrepresenting them in various forums whether this is journalisms, advocacy and legal proceedings.”
- “I do suggest that more explicit focus on the publication of information ethically be given more attention – balanced narrative framing, appropriate language, protecting identity of individuals to prevent retaliation. I’m including a link to our second publication that addresses some of these issues. We can also send a pdf on request.”
- She made the point that we need to ensure judges and legislative drafters are also targeted by and engage with the Code - noting for e.g. the importance of witness preparation as part of the justice process to avoid retraumatizing witnesses, allowing the prosecutor time to get consent for their line of questioning. Noting that the ICC’s inconsistent and limited practice/allowance on preparation for vulnerable witnesses leads to a disconnect between the prosecutor/the court experience/questions asked, etc. and makes it more traumatising.
- “Codes of conduct must also guide judges - the handling of witnesses in court – there are troubling examples of mismanagement of how to engage with victims. But, some judges are good and happy to be guided by psychologists, about for e.g. not showing body images to witnesses.”

See further detailed comments below on the same point.

One commentator noting the importance of the emergence and impact of open source investigations:

- “Secondly, of the challenges in the field a relatively new innovation/disrupter is open source evidence, which is a bit of a Wild West. It’s a very dynamic space with few boundaries- everyone can document or analyse. There is a lot to consider around the legality of what being gathered and presented there. She asked how the Murad Code has engaged with that – how to take the debate outside these formal spaces too.”

Another group of commentators emphasized the importance of capturing the first responder phase which may not be traditional or commonly understood as documentation or investigation, but does involve information collection.

- “This is narrow. What about first response? And others all collecting data for a multiplicity of purposes.” “Everyone is dealing in information and reporting it.” “It is an excellent checklist but it should start from first response/first point of contact.”
- “Data and information can be collected at different moments and by different [people]. The Draft Murad Code focuses on “interviews”, but perhaps it would be good to adopt a broader approach, at least from a data collection perspective, which should include the first contact with the victim/survivor during the process, before the interview, in order to complement what is obtained during subsequent interviews.”
- “The code needs to address what services need to be available to survivors and follow up procedures before, during and after the documentation process occurs, so “documentation” needs to be interpreted broadly.”

1.2.4 Which actors and sectors?

Arguments for a broad application

Many commentators noted that the underlying principles in the Code apply to all actors, and that the issues and problems identified are not restricted to one set of actors (not just international criminal investigators for example). “The Code is clearly needed across many sectors – and to ensure deconfliction and co-ordination between those sectors.” For example, “from consultations with journalists, these problems and issues are 100% the same for journalists.”

Note: This was a clear message throughout soundings and in much of the feedback. No one denied there was a problem, or that it was a problem across multiple sectors and actors.

- “I agree that the code should apply broadly to individuals likely to engage with survivors. We saw violations across the board including from professionals such as psychologists who are supposed to adhere to their own professional guidelines but failed. I suggest explicitly including the following: Donors – they often want detailed information and pay little attention to how it is obtained, NGO workers – in [] many violated ‘Do No Harm principles’ as they interviewed survivors based on the false premise that these interviews would help them. Survivors confused NGO workers with journalists and the whole experience left many feeling angry and frustrated. [UN staff] were unaware they had Guidelines that should be applied and did nothing in the GBV sub-cluster to guide partners to prevent harmful practices. Professional service providers such as medical, mental health, social service and legal service providers. Journalists - research has suggested widespread ethical breaches in the collecting and reporting on the experiences of survivors.”
- “There was general agreement that the Code could apply to work beyond human rights actors taking testimonies for the purposes of accountability of perpetrators. Examples of groups that would benefit from improved ethical practice in the collection of data and evidence on CRSV include academics and researchers, journalists, communications departments within donors, UN agencies, and NGOs, humanitarian actors, and celebrities engaging with survivors. There were multiple instances shared by stakeholders where members of these groups made unreasonable demands on survivors and their advocates for access and information or where they undertook unethical methods to extract information, including through payment, promises that could not be kept, or asking questions that caused distress without providing support or referrals to specialised services.”

According to many law enforcement personnel providing feedback, the principles of the draft Code are reflective of approaches that any national actors are trying to achieve or are moving towards.

The majority of the feedback stressed the importance of the Principles of the Code applying broadly to all actors. What currently doesn’t exist is a universal set of fundamental core principles from the survivor’s perspective, on survivor rights and survivor-centred approach - these are also the commonalities across sectors. After all, survivors are the one common between all sectors. For survivors, their safety, privacy/confidentiality, competent responses, needs and rights should apply regardless of the person sitting with them. Survivor consultations repeatedly highlight and emphasize this important gap and need, and that often survivors don’t know who they are speaking to or what sector they are working in. Without such common standards, it will remain siloed and not truly survivor-centred, and actors will remain operating in isolation from each other without recognising the eco-system within which they work, nor the harm done to the survivors and their rights in the process.

- It is an incredible project and she really appreciates the effort to bridge multi-sectoral issues. She believes this is much needed.
- She also addressed another open question about whether it should be multi-sectoral. She believes these are universal principles for all actors. All can apply to all. Changing them for different purposes or sectors adds confusion when it is unnecessary.

It is a universal set of principles without respect to context. “The Code of conduct is broad enough to cover all actors. The accompanying guidance on how to operationalize the code should provide targeted guidance to those with different mandates.” It can be adapted and adopted for other specific sectors and uses, and by institutions. It is going to grow organically anyway. The Draft Murad Code contains general principles “which hold true across many actors” and which will need to be implemented in each sector and into each sector’s methodology and objectives, and their specific rules and regulations.

[Does the formulation speak to all actors?]

- “I think so – to the extent possible anyway. It’s an incredible feat to make this relevant to different actors/sectors in accessible, simplified language. Well done!”
- “The relevance and applicability of most aspects of the Murad Code to actors beyond the conflict-related or humanitarian contexts should be stressed. The draft Code’s principles and commitments effectively speak to all actors, with the exception of actors beyond the conflict-related or humanitarian context.”
- “In general, it should be applied to all actors, always considering the particularities of their roles and responsibilities, as well as the particularities of the country and / or at least regional context (regional trends) that mark differences in the approaches / inputs and even roles in relation to the sexual violence. In general terms, the formulation of the principles of the draft Code meets the demands of the different actors. However, with respect to legal operators, specific clarifications should be made that take into account the procedural, national and international standards that regulate their actions during the process of investigation, prosecution and definition of sanctions, reparation measures and non-repetition measures. Considering the specificities and objectives of the officials of the health sector, it would be important to make some specifications regarding them for the application of the Code.”
- Exercises can be done to see whether sector specific rules, codes, laws, etc. at the national and international level are consistent with the Draft Murad Code. Those laws/rules would prevail until the Draft Murad Code was integrated (e.g. national law enforcement/prosecutors, etc.). But then the Code has value to supplement, gap fill or reinforce in each sector. It explicitly does not seek to replace full technical methodologies and manuals for those sectors.
- “There were many consultees who saw the relevance for a wide group of people that regularly engage directly with survivors and/or regularly seek access to survivors for a variety of reasons. These include celebrities, spokespeople, communications teams, leadership within UN agencies, donors, and NGOs, journalists, and humanitarian actors (particularly those that seek to verify information, such as UNHCR during the refugee status determination (RSD) process).”
- She thinks it is very important that we recognise it is not just justice actors but that these principles should apply to everyone working on CRSV.

Feedback included proposals to make explicit reference and applicability to:

- Survivor self-documentation and documentation by or with other survivors:
 - “Victims feel more comfortable with other victims documenting. The victims, when they document, they try to give a better approach to other victims. Because they had the same experience, and lived an empowering process, they have very good emotional tools to attend other survivors. In our context, that victims have the capacities to document and support other victims. We are empowered victims. We are political agents. We are not passive.”
 - Recognise survivors as self-documenters – “One way survivors have found in [...] is to self-document their stories and to put these on an online platform. They did so to create the hope of justice.”
 - She wondered about useful conversations with survivors or between survivors – trying to capture the diversity of ways documentations happens.

- It must apply to intermediaries as well, including fixers, drivers, interpreters. Many are used by all sectors in each setting.
- International peacekeeping, peace support missions and operations; civilian and military personnel, deployed civilian and military personnel acting and interacting as first responders. Observers, aid organisations/workers and peacekeepers who are often first responders, Military and peacekeeping as first responders. *[Multiple comments.]*
- Medical treatment and forensic evaluators, health-care professionals; forensics personnel; “as they can also do harm”. She asked if the Murad Code of Conduct will include medical practitioners. *This is a very interesting point and in the discussion that followed examples were provided from all investigators who had been involved in investigations involving medical practitioners whose documentation pertaining to their contact with survivors of sexual violence had been questionable.* *[multiple comments]*
- First responders on the ground with immediate and direct contact with survivors, complainants/survivors; “What about case management? (Multi- sectoral) case management/ first responders (MHPSS, health sector) that document not explicitly mentioned. Is there a reason for this?”
- Non-governmental organizations that work on violence against women, including those with experience on violence against particular groups of women, such as indigenous, immigrant, disabled, or ethnic minority women; (local and international).
- Providers of services to complainants/survivors; “It is always important to have good practices and clear guidelines applied by different service providers such as governmental institutions and national and international Civil Society Organizations in the field of health, psychology, empowerment, redress and reparations, justice and legal services.”
- Multilateral and non-governmental humanitarian actors; “I suggest specifically including... humanitarian response and providing services to survivors.”
- Governments, government departments, including all national mechanisms for the advancement of women; national human rights institutions; police and other law enforcement personnel; prosecutors; judges; national statistical offices; prison officials.
- National and international investigative and prosecution authorities, mechanisms or organizations facilitating this documentation work.
- Immigration, border control and asylum processes; “He shared some of the challenges around information sharing with Immigration authorities but was clear that the investigators working in this could benefit from the Murad Code guidelines.”
- “The Code should/may acknowledge traditional/informal systems where these function alongside formal justice systems structures or have filled the gap in cases of partial or total breakdown. This is in order to enhance the value they can add to the process of documentation and investigation of conflict-related sexual violence.”
- Lawyers/bar associations.
- Social work/counselling providers.
- Teachers and other personnel of education systems.
- Religious and community leaders; “Religious and traditional institutions are key towards having impact.”
- Media personnel, in the media coverage and the ethics associated with this work; He asked about journalists – he sees the problem regularly. Civil suits tend to get a lot of attention. Often they create permanent records online which can be very harmful to survivors. He wondered about treating them separately and thought they might be a tougher crowd to get interested. “Media? Major violator of ethical standards in a way that has been so egregious I think it’s worth specifically noting.”
- “Such a code may well cater to a pool of deployable professionals specializing in international criminal and human rights investigations or members of non-governmental organizations in a

conflict or post-conflict setting or individuals tasked with interviewing survivors within the framework of inquiry commissions, etc.”

- Academics, particularly specialized in research on conflict-related sexual violence.
- United Nations agencies and offices.
- Government and non-government donors.
- “We are most interested in how the Code could be used for spokespeople and celebrities wanting to engage with survivors, flagging the Call to Action Guidance for high level visits.”
- “The Code of Conduct must be applied to the people already defined in the instrument (people in contact with the survivors), as well as to investigators who participate in commissions to clarify, search for disappeared, officials / officials of public institutions responsible for assigning programs and resources to survivors, health personnel, and in general to officials of public institutions and the private sector who collect, systematize and disseminate information on sexual violence and gender-based violence that occurred during the armed conflict.”

One commentator noted the importance that all actors must work together on the Code, “not to “police” their work but rather to build systems, multi-disciplinary approaches. Conversations about the Code must include everyone.”

Arguments against a broad approach and application

Too hard and too many sector technicalities/terminology to apply universally

Some commentators highlighted that at a more technical methodological level, each sector has its own objectives, needs and methods (its own technicalities). If the Code is meant to be a set of technical, directly applicable rules which are clear about what is permitted and what is not for each set of actors, then that is a serious challenge for one universal code.

- “It is our concern that such a generalising approach does not take into account the respective power relations, conditions, purposes, interests, resources and professional obligations of the actors. A global code that applies to all persons ignores their very different situations and must ultimately fail to address them properly. For example, it must be recognised that there is a significant difference as to whether interviews are used for criminal proceedings or by a researcher for a specific purpose, and that these different circumstances give rise to distinct ethical and professional obligations and standards.” Furthermore, rules/guidelines/manuals/codes of conduct already exist for many sectors or institutions, to varying degrees, of varying strengths and with varying statuses.
Note: Research of these existing materials shows fundamental commonalities between them, which the DMC focuses on.

Some therefore argue for a sector-by-sector response and set of codes.

- This grouping of feedback included insights like, “It was written by [criminal justice] actors for [criminal justice] actors and should remain focused on that audience only.” “It is not sufficiently specific for criminal justice actors.” “It seems too light on trauma to include medical or psychological examiners as target audiences. Is it only for non-clinical documenters?”

Some commentators noted that as drafted it does not naturally or fully apply to all actors or specific sets of actors and might need some review or adaptation to ensure it speaks to all.

- “Somehow the code does not “communicate with all sectors”, that might be relevant for data collection in relation to access to justice. I think also of practical examples as the P1 form in some

(national) contexts, which are sometimes obligatory to file a report on sexual violence, and goes against the nature of such a code, and survivors' consent."

- "if it is to be used with a wider audience, it needs to be adapted or revised from the draft used for public consultations as it will not resonate with actors without a legal background; for instance the term 'commentary' is not used outside of legal circles."
- "The Murad Code could work as a guide for journalists too. However, journalists would need more specific guidelines like guidelines on writing, on risks of having survivors' story published, etc. Also, such guidelines for journalists need an explanation of why a journalist should have a survivor perspective, because many journalists are trained to adhere to "bothsidedism", a practice that has been increasingly evaluated but still used by many."
- One audience that is not captured by the current draft Murad Code is those working with child survivors and a number of child protection actors consulted flagged that the Murad Code needs to be revised with specific provisions for child survivors to be woven throughout. They highlighted certain areas that currently do not speak to child survivors, including discussions on consent and how this will be different when working with children and particularly children of different ages and that the families of children should be referenced within the Murad Code. These changes and others would need to be made before child protection stakeholders would be able to participate in implementation of the Murad Code.

See also feedback on strengthening or missing sections, and on heightened vulnerabilities.

Does not apply equally to all/ not everyone's role

Some expressed that criminal justice actors feel that they can leave "victims' rights" to Victims' Advocates, and that their primary focus is on establishing the guilt of an accused based on their public interest duties.

Note: In reality there are few, if any fully, trained, neutral Victims' Advocates available and in position for CARSV survivors in conflict and crisis settings.

Some of the feedback related to how some actors would meet the Draft Murad Code or whether it all applied equally to all actors in all sectors.

- "As it is currently worded, the Code applies to those who are either trained in working with survivors and also to "journalists, celebrities, politicians and other actors who are not investigators but who sometimes engage with survivors of conflict-related sexual violence in ways which could become important in later justice processes." While it is necessary to have a Code apply to those who incidentally interact with survivors, it is questionable whether the bulk of the Code can apply to these individuals, including section 3 (local knowledge and understanding), section 4 (preparation as the foundation) and section 5 (add value or don't do it)—all which require either extensive training or a long-term commitment to an interaction project with survivors."
- "It notes that the eight principles of the Code are general. However, at times the elements unpacking those principles go into a lot of detail on matters, which might be only relevant for a limited type of actors and mandates, such as those who conduct criminal or human rights investigations (e.g. 1.7, 2.7, 4.5, 4.7, 8.5), and not so to others, such as celebrities, journalists, donors, etc. It suggests considering revising the target audience of the Murad Code, and adjust its content accordingly, so that it sufficiently and effectively speaks to the target audience. This would avoid confusion with respect to the expectations from the target audience vis-à-vis respecting the Code."
- "Overall, we think the Code is comprehensive and addresses many concerns that have obviously been raised in the many consultations with survivors, practitioners and so forth. We have a few concerns however: It seems difficult to apply all of these provisions equally to all of these different types of people – due to their diverging goals, resources, and methods within their fields – as well as due to the fact that some (researchers, professionals) have ethical standards that already

provide at least some safeguards, while others (journalists do not). Some of the provisions seem very applicable to certain groups – for example “actor mapping” is standard practice for NGOs, and maybe even is incorporated into research design, but it seems impractical for a journalist reporting in a conflict situation and they may not even understand what that means or how to go about it. I would suggest restructuring this in a way that acknowledges certain core, fundamental provisions and principles that would apply to everyone, and then having tailored sections for different actors. We think that could also make this more user friendly and accessible to different groups (researchers v. humanitarian actors v. journalists for example).”

- “Role clarity is very important – add categories of actors like first responders, documentation and reporting, investigation and fighting impunity. Be really clear on who should not be ‘documenting’.” *Note: Suggestions included an annex on roles, dividing the code into sections (first response, reporting and fighting impunity).*

For example,

- “... the Code is useful. The ‘who is who’ is hugely important. So many break-out of their roles. So everyone is dealing in information and reporting it. List out all specific roles who are collecting information, reporting information, etc. clarify. Even for first point of contact – principles apply: role clarity, purpose, informed consent, confidentiality, no false promises and managing expectations. I am worried it may give people a false sense of what they should be doing. Change the language away from the passive voice. Clearly explain your role. It’s an excellent checklist. There are layers for different roles. Prevent, Protect, Rehabilitation, Treatment. expectations of survivors. Each role plays their part in the chain. Put these into an annex. It needs more breakdown of the different actors/roles.”
- “In addition, it might create less confusion if the Code was divided in different categories from direct engagement with survivors (first responders), documentation (reporting) and then investigation (fighting impunity) so it becomes more clear through which timespan/processes the code is meant to apply.”
- “It does not adequately discern between the role and proximity of these differing actors to survivors and convolutes to whom it applies and to what aspects of their work. ... Additionally, the Code could distinguish the different roles and responsibilities that direct and indirect actors have in relation to the survivors and their different levels and scope of their responsibilities. Otherwise, the Code should limit itself to direct actors who come in immediate contact with the survivors.”
- “There is a tension in the code between the needs for legal investigations versus other actors that are documenting as pre-cursors to legal investigations or for advocacy purposes. The needs of police/lawyers/investigators working for a specific legal body or process are different from documentation for other purposes. This could be resolved by explaining more about the specific roles and responsibilities of these different actors in an annex.”

Some commentators identified some drivers of bad practice which may affect some sectors more than others – where time constraints, deadlines and urgency can hinder proper preparation time. Some spoke of researchers sent to investigate or document with no time to prepare or plan, when they are responding to an emerging threat. They also flagged up where they may be in a context focused on a different human rights violation when CRSV comes up unexpectedly. [Note: there was also a recognition that the work product, outcome may be less effective in these circumstances. That they may also be less safe too.]

- “Media? It's a situation of competition within the industry. How do you stop 50 reporters asking the same survivor over and over again? Maybe a pool system would work? Would need to get editors involved and do training on interviews. Sanctions for falling afoul would be difficult. Difficulty with journalists (and sometimes us!) only having contact with survivors one time to get

the story, which heightens danger for people who are vulnerable. We are also under pressure to do everything in one mission. One journalistic principle is to minimize harm. Human rights reports are not written overnight, but for journalists, yes. Work more/better through local partners seems key, BUT we don't have local partners sometimes, especially in early stages of conflict. Training and education are not standardized for justice actors, international NGOs, local NGOs, and journalists."

One commentator noted that, "Not all actors will feel sufficiently engaged or feel it applies to them." Which warns both of the danger of boundaries/limits to application, through which actors can define themselves out. This is coupled with the concern that many actors will consider that 'they don't work on CRSV' and won't engage with the Code.

Broad application could be seen as an encouragement to all to document

A few commentators cautioned that broad application to 'everyone' could imply that everyone can and should document - which may create an unintended consequence of reinforcing and feeding the current multiplicity of actors approaching survivors. The inclusion of "celebrities" in the preamble was highlighted as one such potential encouragement to people whose role is not to respond to CRSV. It does not specify the specificities of each actor in terms of rights and responsibilities; e.g. medical providers, journalists, human rights groups, investigators from international commissions of inquiries, police officers, judicial investigators, etc. This could lead to confusion in terms of mandate and to some actors taking actions that are outside the scope of their traditional mandate. See more at Unintended Risks section below.

Another group of commentators felt that the Code did not sufficiently and explicitly discourage those who should not be documenting.

- "Nor does it address the privatisation/commercialisation/ monopolisation of this work by powerful international organisations and weakening of civil society roles or divestment/abdication of state and UN responsibilities. By not clearly taking a stance against this, the Code could be seen as encouraging this."
- "Moreover, when there are discriminatory or unethical procedures in place, such as mandatory reporting of CRSV or intrusive forensic medical exams that are required prior to police reporting, GBV service providers have hesitations about promoting the use of a tool, such as the Murad Code, that may be seen as an endorsement of documentation of CRSV and an invitation for more documentation without systemic changes within the criminal justice sector."

Practically harder to implement if broad target audience

- "While there is recognised need for the principles of the Murad Code to be applied to a wide audience, the question of audience with regard to the implementation of the Code is important. Many stakeholders agreed that for an effective roll out, the audience of the Code needs to be both focused and clearly articulated. While the Code may be used beyond its initial target audience, it should be made clear who is the primary audience and who could be secondary audiences."
- "Narrowing the scope of the code could ensure greater impact, adherence and accountability of relevant actors; it would also make the implementation and monitoring process easier."

The broader the audience the less specific the content

- "The wider the audience the more general the content of the Code will be, and perhaps thereby reduce the value of an intended global Code."

1.2.5 International v. local/community-based target audience and use

In relation to the target audience of the Code, there was some mixed feedback regarding international v. community-based actors as the primary targets or focus. While the Code tries to tackle many of the problems identified during soundings regarding those not based in a context flying in for 'mission', this may have unintentionally suggested application or ownership of 'documentation and investigation by internationals. For example, one set of commentators said the implication was that all documenters were international and well-resourced.

See more detailed comments below under balance, language, wording and tone.

One commentator noted, "that the audience is not clear enough and should be focused on 'international non-GBV specialists working in countries not their own." Others stressed how useful and important the Code would be for empowering community-based actors including survivors, survivor networks and SGBV organisations.

- *"But if we could target women survivors in their communities – how they can use the Code to empower and protect themselves, to help counter power dynamics which run the other way. And how they can use this to document for their own purposes, for their own forms of justice in their communities and lives. It is so important to get this into the community level."*
- *She also wanted "to understand how we can develop the Code so it can empower affected communities. There seems an endless array of people doing it – so many permutations. But putting the lens at the right place – aiming to empower those affected – as an implementation angle, as for supporting and empowering."*
- *"I understand it's just the beginning stage of this project so this might be the question for later. With sexual violence conflict issue (or any violence related issues) so complex, I think it would a big challenge to come up with "one size fit all" guideline. How is the team planning to localize the "The Murad Code" - to fit the local culture, stigma, language to be accessible to victims? Will they have priority countries and start from there? If so, what is the criteria of being their "priority countries?"*

A few commentators suggested a phased approach

- *"You could start with one sector, and then let it grow organically or expand it to other uses and sectors. Just ensure adaptable for that and leave the door open for organic growth."*

1.2.6 Institutional v. individual commitment

A concern was raised that the Code does not address structural factors (including the institutional, governmental, and professional issues) that give rise to negative and prejudicial effects of documentation. This group of commentators cited examples such as the criminal justice practice of the prejudicial use of prior statements in legal proceedings.

- *"It is our concern that the Draft Global Code does not address the institutional, government, and professional reform necessary to protect survivors from the potentially negative consequences of documentation."*

Another commentator also feared that the Code would not incite sufficient institutional change.

While the Code is currently worded as a set of commitments that an individual might make, there was broad recognition of the importance of using the Code as a tool for institutional reflection, improvement and reform. For example,

- *"It is important that these issues and problems are recognised as cultural and institutionalised. And that the Code be used for organisational review and responses."*
- *One commenter highlighted that "while the Code targets individual behaviour and is not designed for institutions, it is not disconnected. It can help start conversations, examine problematic processes in our systems and practice, and help change institutional policies and practice." It is*

some of these institutional or sector/system wide traditional processes or practice which are the biggest drivers of bad practice. “These are corrosive and brutal for survivors.”

We also received feedback of the internal institutional use of the Draft Murad Code even as a draft. This included the significance of the conversations and debates catalysed by the draft Code, as well as the identification of the drivers of bad practices within organisations and sectors.

- *One commentator told us, “Remember to recognise the value in prompting conversations, creating spaces to discuss. That is an important contributions in its own right, irrespective of what comes next for the Code.”*
- *A few commentators stressed how valuable that process has already been. Some field staff or middle management have already reported using the Draft Murad Code to push back on bad practice and drivers/pressure to do things without the right preparation, time or resources. “The existence of the Code itself gave me a platform to rest on for some of my recommendations, and this in itself is enormously helpful.”*

A few commentators recommended that the Code should emphasize the importance of institutional response and adoption of the Code, that it should be clear that the institutions should set expectations of Code compliance internally, with leadership around organisational change and taking responsibility for the Code.

- *An example was provided of the WHO 2017 Code of Conduct for Responsible Research as a good model to follow for institutional adoption: “This Code applies to all WHO staff members, independent of their location or grade, and including Temporary Appointment holders and Secondedes. In its spirit and principles, this Code also applies to all WHO collaborators, notwithstanding their contractual or remuneration status. Responsibility for ethical behaviour in research lies with all staff members at all levels, and forms the basis of WHO’s reputation. It is important to note that a code can be embraced as an organized-wide set of principles. The Murad Code could possibly be applied in a similar way in organizations engaged in work with survivors, to help foster a Code as inherent in the organization’s culture.”*
- *“I understand that the intention of this code is to stop unethical investigations, but there should be a connection to support, justice and other forms of remedial action to victims. This code will only be as good as the people and financial resourcing that is put behind it, and ultimately there should be a tangible impact for survivors at multiple stages—in reporting, investigating, seeking support and assistance, and pursuing justice in whatever form. Don’t let this code sit solely in the normative realm where rhetoric can lead it to being viewed as a luxury rather than a necessity in complex situations. It could, instead, be used as a vehicle to expand support to many of these initiatives under the umbrella of the Murad Code, working towards setting in stone institutional responsibilities and expectations of ethical conduct that accompanies a means for practical implementation that has a real effective for survivors.”*
- *“The connection between the code and all forms of justice is great, but the code can do better. One of the ways current systems fail survivors is that such broad concepts of justice are equated with equally broad concepts of accountability. Accountability practices themselves, especially where heavily administrative or which narrowly focus on punishment of perpetrators (which is of course essential), are embroiled in challenges that often tend to bypass survivors.”*
- *“One thing I’ve been thinking a lot about – sexual violence crimes – in terms of adhering to the code and the Do No Harm principle more broadly, what kind of support, in the moments where you have to make a decision, in the field, what kind of support is on offer to work through ethical dilemmas you may face? What kind of standing capacity is there for that? ... Support for situation where you’re not sure you should do the interview, and even if there are resources, following up on what she said, wished hadn’t taken information. How to live the value of Do No Harm in real time?”*

- “Also there is little language on the tackling of root causes, which is an important focus if we wish to prevent further harm.”

Addressing imbalances in power dynamics and resource disparities

- “It is our concern that a global code of this nature cannot address the many different power relations between the ‘target group’ and ‘survivors’, and within target and survivor groups themselves.”
- “It is also possible and important to emphasize the team dynamics of this work, and expectations of teams/host or requesting institutions to resource and support the work the Code suggests - for example, risk assessments are usually project team/institutional work - separate from but shared with individual investigators/interviewers. Should more be said about individuals acting alone, individuals forming parts of teams playing different roles in the process and system, and institutional responsibility for systems, teams and individuals working for or on their behalf?”
- She thinks donors are key to ensuring the resources and changing the drivers of bad practice – numbers and time. For example, for the referral pathways, this is hard without a budget/resourcing.

1.3 BALANCE, LANGUAGE, WORDING AND TONE OF THE DRAFT CODE

1.3.1 Balance between survivor's rights and other rights

There was some conflicting discussion among the feedback that the draft Murad Code was too survivor-rights focused or not survivor-rights focused enough. Some spoke of balancing other rights such as 'the public's right of free access to information, freedom of press and freedom of expression.' One commentator said the code overstates survivor rights. Beneath is a sample of those contrasting views:

- "Include other rights and obligations relevant to justice processes, defence rights, legal time limits and public safety concerns."
- "From a prosecutorial perspective, our big picture concern is that a number of the principles do not sufficiently recognize that there will be situations where the public interest in criminal prosecution and accountability may be in conflict with an individual's choice or preference about prosecution or testifying. In some jurisdictions, prosecutors do not have discretion (or much discretion) to decline to prosecute serious crimes. In other cases, prosecutors might have to weigh questions of public safety or accountability against an individual survivor's desire not to testify. Prosecutors will also have to face situations where the wishes of different survivors about whether to pursue criminal justice may be in conflict."
- "The system has been so stuck in its ways. The system has never really taken the views and needs of survivors into account. But it doesn't have to be like that, and we need to improve. There should be a way to couch the terms of the Code to deal with the balance of defence rights and public safety. I do not think I would tread so gently where there was a serial rapist active and a need to expedite prosecution to stop the threat. That is the big difference between prosecuting CRSV and domestic SV – usually with the latter there is a current crime and active criminal who may continue to harm others, so there is an active public safety threat."
- "I note that The EU Victims' Rights Directive was already mentioned in the list of sources. The directive has had a great significance in establishing and promoting EU-wide victims' rights. Even if the changes were not very massive in [...] and most of the regulations were already included in national provisions it still gave a clear framework of the victims' perspective aspects to be promoted EU-wide".
- "It ignores both the rights of women and girls who have been subjected to sexualised attacks - and the obligations of states and societal institutions to protect and guarantee these rights."
- "The draft has a "pro-survivor" approach – properly attuned to their needs. There may be some benefit to broadening it out to also address the integrity of the investigation and defence rights".

Another point was made about how it aligns with existing standards:

- "Are the 8 core principles inclusive of existing core principles from IA guidance documents (including but not limited to): SPHERE standards? Minimum Initial Service Package for Reproductive Health? Violence Against Women in War: Handbook for Professionals working with Traumatized Victims? - Clinical Management of Rape Survivor? Caring for Survivors of Sexual Violence in Emergencies Training Pack? Managing Gender-based Violence Programmes in Emergencies? Caring for Child Survivors of Sexual Abuse: Guidelines for health and psychosocial service providers in humanitarian settings? Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action? IASC Revised Gender Handbook for Humanitarian Action? GBV Accountability Framework? Handbook for Coordinating GBV Interventions in Emergencies? The Inter-Agency Minimum Standards for GBV in Emergencies Programming?"

A number of commentators urged that we explain and emphasize more how complying with the Code also makes you and your work product more effective - this is a critical message to many actors who see their objective/intended outcome as potentially justifying further harm of individual survivors:

- He thinks that there needs to be a more headline focus on the effectiveness and a more just outcome when you follow the Code. “It should include a recognition that when you follow the Code, your outcomes are better – that is an important headline for the Code. We need to do more to emphasize that following the Code makes the outcome more effective – this is a critical and true point which most do not recognise. Safety and doing the right thing only convince certain people – everyone has an objective/mandate so more people would be prepared to follow the Code, if they recognised that it also leads to better outcomes.” He also mentioned the importance of alternative evidence and the over-emphasis on survivor testimony only. There are many cases where that is not available. [x] also agreed with the over-focus on victims. She said a focus on effectiveness will help counter the usual argument of law enforcement or prosecutors that victims’ rights are for victim advocates and are not part of their role.
- “In our work we eventually settled on demonstrating practically how upholding rights make interviews more efficient with regard to more and better quality information and potential evidence, and how proper planning and preparation means fewer interviews. In our opinion the Murad code can easily use them same argument. What the code describes is a recipe for respecting dignity and improving efficiency. This could perhaps be spelled out in the code.”

1.3.2 Contrasting views about level of standards

A few commentators believed that the standards were too high and unattainable for most actors - which they worry may prevent projects which lead to tangible impacts to mitigate or redress CRSV, and may silence the voices of women, activists and CBOs. The potential consequences they raised were, a) putting people off interviewing if they cannot meet these standards, and b) that the Code will be ignored.

They offered solutions varied from softening the language and standards to make them more achievable for all actors in all circumstances.

Note: There were others who wished the language to be strengthened.

- “It is fantastic to see that this code distills so many pre-existing frameworks and standards.”

Another issue was raised about whether it was predictable that some of these standards might conflict or whether there was a hierarchy amongst them - so that people could see which ones to prioritize. One question posed was whether all the core commitments each individually require an interviewer/investigator/documenter/reporter, etc. to stop in the event they cannot meet that standard? For example, “an adolescent has chosen to document but there is no one trained to do it.” One critical question was posed – doesn’t fully informed consent trump all the other provisions? – since as long as the survivor accepts the risks, you should proceed so as not to deny them their voice or agency.

- She has “read and reread the Draft Murad Code. It is very comprehensive. It’s a lot of content even for experts. Even more so for those who don’t have time and all the expertise. [My unit] trains people, [the organization] and others. [We] hammer on informed consent (IC), dignity, supportive attitude, confidentiality, and safety/security when someone engages with victims. i.e., core, top-ranking principles, core concepts. [I recommend you] identify them from among content of Draft Murad Code; that can help simplify things, identification core of core principles. [I know] UNICEF tried to use this core principles approach. At the moment, core principles are scattered throughout the Draft Murad Code. [My] recommendation: prioritise principles. Even if all of them are core principles, some of them are more important, like confidentiality, health, security – that

should be clear.” She suggests asking survivors: what would be your top 5 principles? “If simplify, or ranked principles, then easier to ‘enforce’ code.”

A number of commentators pointed to existing legal standards and rights which underpin the Code including in IHRL (CRC, CRPD, etc.), IHL, UNSC Resolutions including UNSCR 1325 National Action Plans and references to what is needed for CRSV, Victims’ Rights laws at the international and national level. They recommended that these be explicitly referenced so there is no doubt of the legal foundation/obligations in the Code.

Several other commentators were concerned about describing these standards as ‘minimum standards’ which they felt might lower ambition. They recommended ensuring that the Commentary includes not just examples of how to meet the Code in challenging circumstances in different settings and sectors, but also resources and examples of best practice to stimulate ambition - ways to excel.

- “We should clearly articulate the importance of and value of going beyond the minimum - showing the added value of exceeding these standards.”

One commentator wondered if the Code would benefit from being framed as recommendations to be contextualised in each location as part of implementation - that they are the starting point, rather than the end result (rather than being considered ‘a gold standard’ in her words).

There were contrasting views about the balance of the level of distillation, detail, specificity and practicality v. what will appear in the Commentary and other sector or organisational procedural guides/rules. For example,

- “There is a tough balance between making the code broad enough to apply to a variety of different actors v. the code being specific enough in its recommendations to interest the actors you want to influence. If it’s too broad, might the actor feel it’s not relevant, or not of concrete, constructive use to them?”

Many commentators seemed satisfied with the balance between principles in the Code, with the assumption that specificities and ‘how to’s would be found in the Commentary and in sector and institutional implementation and incorporation of these principles into their policies, procedures and working practice. For example,

- “This Code should be seen as a foundational document upon which other, more specific handbooks and manuals can be created. It is better to have a broader, long-lasting and less detailed code that outlines general principles, and then to create specific guidance that speaks more directly to different actors that can be regularly updated as good practices and lessons identified emerge through the application of the Code.”
- “The Code (as it is intended) could work as an overall global Code. For it to be implemented and used, that will require governments and organisations to take ownership and be accountable to make sure it will be used by people on the ground. It could be considered to make a more specific and practical guide based on the Code for first responders.”
- “Overall I think it is very comprehensive and clearly structured. As an investigator I was first looking to find the investigative and evidential aspects all together under one principle but as I understand the purpose of the draft Murad Code, it works perfectly in this structure.”
- “In the main, I think the language used in the code is generic enough at the same time as being highly detailed.”
- She loves the condensed form. To date, everywhere she has gone, none of the national actors know or use the IP2 – it’s too long and not accessible. The draft Code is clear and digestible and it covers all the very important principles and aspects of the work. As a portal to a Commentary/toolkit and training modules with the practical “how to”, it works. There are a few small things she thinks could be built out – either in the Code or in the supporting

material/commentary-toolkit. She likes the grouping and sub-concepts. There is more to be said on the practicalities but as a set of principles this has good coverage and hits the right notes.

In contrast, a few commentators found the draft Code to be too high level and general, without more details and specificity which they believe is necessary to allow clear application, monitoring and enforcement. Some asked for it to be broken or drilled down further with more guidance on practical implementation. For example,

- One commentator highlighted the common concern about insufficient co-ordination and asked that solutions, good practice and other suggestions are added on how to avoid duplication/re-interviewing and other harmful practices and outcomes which stem from lack of co-ordination.
- “As written, the code is not implementable or ‘enforceable’. The language is open to interpretation and the code lacks practical elements (see more above).”
- “As the principles and commitments are formulated in a broad way, they risk -at times- to sound aspirational. Adding a degree of specificity could help its implementation.”
- “Whilst recognising that a lot of thought has gone into the document, the list still seems a bit vague. A lot of it remains theoretical and bereft of actual action points for implementation (e.g. the first bullet point). And quite a few simply rephrase the title rather than provide actual clarity and help e.g.: ‘Time and Space as Essential: We recognise that sufficient time and the right space are critical elements for a safe, ethical and effective engagement with a survivor’. – there are so many ways to interpret this. When it does have a clear action point such as: conduct actor mapping, again, it doesn’t say how.”
- “If the code is intended to, for instance, form part of or instruct training curriculum, we think it would do well to include more concrete actions. Much like the field we work in, I imagine that officers around the world receive very little training on how to deal with survivors of sexual violence. Given that officers in most countries globally receive little or no training in how memory works, cognition, communications and questioning, I assume they do not receive much in terms of knowledge of how for instance trauma affects memory and communication skills.”

A third viewpoint was expressed that the draft Code was too detailed and too dense. One person explained that,

- “The [Murad Code] is overwhelming and has too many individual points. [It] includes a lot of useful information and good recommendations.” But the “the condensation of material risks distorting complex doctrines, and worse still, perpetuating shortfalls in understanding.”

Another commentator asked for something even shorter.

- “Congratulations on this thorough and important code of conduct. The only feedback we have is that we would like to have a shorter/summary version with the most important implications for daily practice. Meaning a separation of the, although also very important, more general points (like respect, non-stigmatizing, trust), that can be more obvious for professionals frequently working with survivors. So that it would be quicker and easier to read. Otherwise no changes necessary in our opinion.”

1.3.3 Lay-out and structure

The majority of the feedback was positive about the organisation, lay-out and structure of the draft Code. Commentators particularly appreciated the Eight Principles and icons. They spoke of its simplicity, and that it was very user-friendly (easily readable and easily digestible). A large number of commentators expressed the opinion that it was comprehensive and complete.

- One commentator suggested that the principles and lay-out be re-ordered to match the timing and sequencing of the steps which need to be undertaken.

- Another commentator thought a different framing or order might reduce repetition or scattering of principles which should sit together. (e.g. informed consent issue appear in multiple commitments, prior interviews might be well placed in Principle 4 Preparation, etc.)
- “If you are in ‘emergency documentation situation’, what do you need to do first, second, third, etc. Perhaps this approach can be used when we revisit Draft Murad Code. [We] have very strict procedures, procedures which bind everyone but help too, as it is form of roadmap/ checklist, to make sure that documentation is done well.”

1.3.4 The Draft Code relies too much on subjective assessments and decision-making

Some feedback pointed to several sections of the draft Code which appears to leave decisions or assessments to the documenters/investigator, therefore relying on subjective evaluations. For example, Principle 5 about determining whether the work or activity will add value.

Several in-depth consultations took place which discussed this issue and several points were highlighted:

- Self-reflection and taking time to think and self-assess is important. The Code as food for thought and debate is important in itself. It can be very impactful just to get people to slow down, think carefully through what they are doing and why, and what the consequences could be. Especially when there is so much bad practice and so much around actors which are drivers or demonstrations of what not to do - good practice is not necessarily intuitive.
- However, unguided subjective thinking is not always very accurate or insightful.
- Self-reflection should be entered into with good intentions and an openness to reflect upon strength and weaknesses.
- Self-assessment can be assisted by tools which pose a set of objective questions and measures - some of the commentators suggested that objective sets of questions and measures should be included in the Commentary as well as some decision-tree/flowchart tools which help identify when we should stop, what we could do that is useful/adds value instead, what interim steps are needed before continuing, when someone else is better placed to act, when we need assistance, mentoring, etc. These tools should reinforce redlines and when actors should not proceed.
- In addition, either the Commentary or within core commitments, seeking objective peer review, Ethical Review Board or community review or assessments can complement and strengthen self-reflection/subjective decisions and value judgments.

1.3.5 Needs to be more prescriptive

- It is “not clear about what is not permitted and not strong enough about when ‘documentation’ should not occur.”
- “The MC needs to be more prescriptive on who needs to do what.”

1.3.6 Not all the terminology is clear or accessible for all

- For example, ‘actor mapping’. Further simplification can be achieved and road tested.
- Some survivors asked that survivor language is used - meaning non-technical language which is simple for everyone to understand.
- “Language – some of it creates unnecessary barriers for local uptake – but they are illusions. For example, if we use “referral pathways’ - the formal UN terminology, local actors think they need some kind of UN expertise. However it's not that complicated – they need the number of the local clinics, [and to check that it's safe there]. It's not beyond them and easy for them to do – but some of the wording may make them rule themselves out.”
- “I think you’ve done a great job making the language practical and accessible, but I wonder if this could be strengthened in some areas. For example, what does it mean in practice to “create an

emotionally and physically safe environment as a fundamental foundation for disclosure and decision-making by survivors”? Or “minimising the repercussions of our work in a community”? Is there a way to make some of these more concrete? Perhaps by providing a straightforward example.”

- “the ‘origin story’ of the Murad Code needs to be included in the intro to the Murad Code because where it came from (the criminal justice sector) helps explain the language that is used, which is very ‘crime-centred’. Even the use of the term ‘commentary’ comes from the legal profession and will not resonate with practitioners or affected communities.”

One commentator had the opposite view and felt the language had been too simplified: “The ‘catchiness’ of the language used is too informal.”

1.3.7 “We”, “our” and other issues around language/structure which does not seem inclusive

This is a significant and important set of comments flagging up an unintended consequence of trying to address the numerous issues which arise from internationals flying in and out of places, conducting an interview mission, and jetting off again. It is important that the draft Code is equally applicable to anyone engaging with and supporting survivors through a documentation process. For example, the Code applies or should also apply to i) community-based and national actors (defined carefully), ii) survivors who self-document, iii) survivor networks who document each other’s cases, and iv) anyone else asking survivors for information or seeking information about CRSV from anyone else.

What follows are various iterations of this feedback:

- “we will” suits most of the core commitments, and “we” is inclusive but there are some parts where that excludes the survivor....”
- “Who is the ‘we’? Is this ‘we’ inclusive of survivors? How is the ‘we’ inclusive of survivors, regardless of the survivors age? It is not clear – can it really lay claim to an inclusive ‘we’ with such a range of actors?”
- “The Code could be more mindful of laying claim to a shared “we” that is not clear, since these diverse groups of actors.”
- “Consider: - What is the tone when using the pronoun ‘our’? - How is the word descriptive of ‘our’ align with section 1.9 of ownership? - Who decides what is ‘our’? - How is the survivor included in the word ‘our’?”
- “The MC is very ‘top-down’ and not written to reflect survivors’ experiences.”
- “It is still reading as us acting on them over there.”
- “Recognise survivors as documenters as well - of their own stories and for others.”
- “Survivors are often on the frontline documenting cases. The guidance needs to be written with this in mind, and include a survivor-focused theory of change.”
- “Consider: - How is ‘local’ defined? - Who is ‘local’? - Who decides what is a good understanding? - Does this language imply a hierarchal level to a local context via a global context? - Does this imply that the ‘we’ is ‘always an international’ and the ‘local’ is not included in the ‘we’? Note: These questions on ‘local’ apply to each time the word ‘local’ and ‘we’ are used in the document.”
- “It was our impression that the local factor is not emphasized sufficiently, that the spirit of the code is not bottom up but it is too top down. Throughout the draft Code, the local factor is not emphasized sufficiently and the spirit of the code is not bottom up but rather too top down. Considering that the local organizations, institutions and other professionals doing work in this field are the first to engage with the survivors and the ones with the most access and long-term involvement, we feel that the principles should reflect a focus on the local level. Principle 3 gives the impression that documenters are internationals.”

- “It is our concern that ‘international’ target groups are characterised as the ‘legitimate’ drivers and owners of documentation, rather than survivors or ‘locally -based’ groups.”
- “I’m conscious that you have asked about the target audience for the code. At the moment, I think there’s a danger that in trying to be all things to everybody (particularly with the brevity), the code feels a little abstract, and it’s not quite clear where it is anchored. It feels very much as if it is aimed at international investigators, and there does seem to be an assumption in the draft code that the documenters concerned are reasonably well resourced.”
- “We suggest revising how the draft Code is addressing national actors. If the Murad Code is to be applied by them, its content needs to speak to national actors as members of its target audience. As it stands, the draft Code seems to focus mainly on international actors conducting interviews with victims/survivors of conflict-related sexual violence (e.g. principle 3).”
- “Greater emphasis on those documenting at the local level, not just those documenting for international mechanisms, would be welcome.”
- “The wording of the Draft Global Code creates a ‘we’ of a ‘target group’ of ‘international’ documenters and contrasts it with a ‘they’ of all ‘local’ survivors of sexual violence. It is our concern that the Draft Global Code assumes that the ‘target group’ undertaking documentation are ‘internationals’, with resources, skills, and power. It assumes that ‘victims’ are ‘locals’ without resources or skills, who do not themselves undertake documentation. This framing does not recognise that survivors may be activists, or that ‘local’ actors, activists, and professionals may themselves want to undertake documentation for important reasons such as future prosecutions, advocacy to make such crimes visible, or peace-building activities. The Draft Global Code’s approach does not recognise or build local ownership, engagement, or capacities. Equally importantly, by seeing survivors only as ‘locals’, the Draft Global Code ignores that they are also part of the international community. ... It is our concern that the Draft Global Code characterises survivors as those who should be ‘treated’ in the best way possible, but does not recognise them as actors and experts and/or empower them to be/become actors and experts. For example, this is indicated by statements such as ‘we allow (sic) them to make their own informed choices’ (Draft Global Code 1.4).”
- “We share many of the concerns of the “Ad Hoc Group” including in particular the consistently paternalistic tone of the draft, which casts serious doubt on the concern to actually place survivors at the centre of all considerations, and - the hierarchical-vertical approach, which excludes any real and truly diverse participation of survivors.”
- Addressing post colonialism “us v. them” language and framing: international v. national actors, documenters v. survivors. For example, many survivors have multiple identities as activists, documenters in their own right, responders, etc. She was shocked by the lack of recognition of post-colonialism issues and the need to reframe the Code away from this “us v them” language. She will provide more inline editing to indicate the problematic parts. She realises the intent behind the Code and appreciates the survivor-centred approach – but considers it very important to reframe. The issue is the linguistic “othering” in the Code. It is the opposite of what the Code seeks to achieve and stands for. Remove those linguistic borders. The principles are right, it’s just some of the language and framing needs work.

Noting some feedback which recognised the positive emphasis on local/situation-based responses which can be sustained:

- “The term ‘local’ is used with the presumption that local is better and that it is a singular community. She suggests that this be unpacked and that ‘local’ not be used without interrogating the complexity of local actors, some of which act as gatekeepers or barriers by perpetuating social norms and systems that prevent survivors from reporting or accessing services.”

Suggested solution and how to fix this reframing and linguistic issue:

- We also had a discussion about how to tackle the “us v them” in terms of the survivors in multiple roles. I asked whether using [the three type] disclosure framework might help (e.g. (a) self-motivated, survivor-initiated disclosure, (b) enabled disclosure (i.e. make the space and environment in which we allow (a)), and (c) “guided disclosure” when someone seeks information for their own purposes. Many of the problems in documentation come from (c) and that lends to the “us v them” language/framing. Can more be done or said around the “power dynamic” issues – can that also help remove the ‘us and them’ framing? An upfront acknowledge of survivors as many identities and roles – bring them into the ‘us’. Recognise the power dynamics more – what someone can do with the information, where someone has influence – where other actors do not and how that affects the work. Ensure the commentary includes survivor work examples and addresses survivor – survivor engagement issues and positives.
- “It is suggested to review the language and tone used in the draft Code, as they could be read/interpreted as condescending (e.g. 1.1, 1.3, 2.2, 4.3, 7.3). The aim of this revision would be to align better the language and tone of the Murad Code with a victim/survivor-centered approach and in recognition of victims/survivors agency. In this regard, we also suggest deleting or rephrasing 1.6 on survivors’ priorities. As drafted, it makes an assumption about the meaning of justice for victims/survivors and does not acknowledge other potential priorities victims/survivors may have.”

1.3.8 Language and the Code should more clearly identify victim/survivor rights

- “While the draft Code sufficiently and properly reflects the principles behind the rights of survivors’, the language of the draft Code is vague and the draft Code does not explicitly identify the rights of survivors as “rights”. Instead, they are to be inferred from the principles. Since the principles are also not in the framework of a duty, the draft Code does not in effect, protect the rights of the survivors in this process. The effect of not having clearly delineated rights is that survivors will not be equipped to seek any remedies for the breach of these rights. In fact in our research we found that the language in the source material/bibliography for the draft Code is much more definitive and precise in the directions it gives to the practitioners/actors on how to conduct themselves when working with survivors.”
- She also thought that the language was interesting – rarely are “rights” used in this space – dignity, respect, health... but they are not structured or conceptualised as rights. It is usually not the entry point.

1.3.9 Language around obligations/commitment

- “Much of the Murad Code is written in the future tense (example: We will ...), why was the future tense chosen? - Why not use the present tense? Note this comment applies for all sentences that start ‘we will’.”
- “The Code often speaks in terms of what “we will” do – what standards and principles will govern the approach to the documentation and investigation of sexual violence crimes. We would suggest amending this language to reflect an obligation and not a will to do something. We consider it preferable to recognize we are obligated to take certain approaches as an obligation is consistent with full respect for the rights of victims. For example, “we shall” may be appropriate obligatory language. This is particularly in circumstances where the code reflects the minimum core principles applicable.”
- “The draft Code, while respectful and supportive of survivors, does not appear or feel to be empowering of victims. If the language of the Code was changed to one of obligations on the part of the investigator or person engaging with the victim to uphold the rights of victims that may alleviate some of this impression. In that respect, it has to be underscored that victims of sexual violence crimes are foremost victims of crime – crime, in all of its variations, typically traumatizes its victims. It has been the stigmatization of victims of crimes of sexual violence that has largely

prevented these crimes being investigated and prosecuted with the same seriousness as other crimes. The Code must avoid any continuation of that stigmatization as having legitimacy. While it can and should recognize stigmatization, its approach should be aimed at eradication rather than just accommodation.”

- “Commit’ wording - Not sure this is something we will always be able to adhere to. Legal may have a better steer on this language.
- “Our experience has been that shifting “tone” from one where we tell officers what not to do, toward what we think of as positive expectations of everything they can do, has made a big difference when it comes to impact. We measure training impact before, during and after training as well as in follow-up studies. We find that this approach coupled with simple and recognizable language and most importantly concrete actions to take has verifiable impact upon officers’ conduct.”

1.3.10 Others

- “Why not use ‘survivor-centred’ rather than survivor-centric?”
- “Consider that the wording or words do not appear in the draft Code – empower, resilience, youth, adolescents. Consider that the following words only appear once/a few times ‘must’, ‘child’ and ‘listen’.”
- “Local languages – one idea could be to translate the code into interviewees’ primary language - that would be very important for accessibility and use.”

1.3.11 The long title and short name of the Code

Most commentators did not mention the title and ‘short name’ for the Code. However, the few that did were mixed in their comments. On the one hand, one survivor asked to keep ‘The Murad Code’ as it reflects the survivor engagement and emphasis, the use of survivor voices.

On the other hand, one person thought the short name should be reconsidered citing the following reasons in support:

- “It elevates one survivor over the many.
- It perpetuates the problematic approach of the international community focusing on putting faces to this crime and parading victims to garner attention.
- It masks the topic of the code and further creates opportunities to not acknowledge the issue.
- Murad is also the name of a skincare line. When searching for the Code – discount codes for purchases of skincare come up. This is important for visibility.”
- “She raised the issue of naming a tool after a person and that it contributes to the belief that CRSV is only a concern when attached to a celebrity or a notable person and contributes to a ‘hierarchy’ of survivors with those that have the most horrific and/or ‘palatable’ story that fits the narrative of a ‘perfect victim’ and risks fetishizing the issue further.”

Another commentator mentioned the long title of the Code, noting that if the Code aims to target just interviews or interactions with survivors in conflict/crisis settings, then the title should reflect that narrower focus. If the Code address wider issues (e.g. verification, analysis, information management standards, broader investigations with alternative sources, interactions and questions to survivors in other settings or in other part of processes - e.g. by judges, WVS units, and the equivalent across other sectors).

1.4 MISSING CONTENT/RECOMMENDED STRENGTHENING

1.4.1 Be clearer about how the DMC fits with existing professional codes and standards including manuals and technical guidelines, etc.

Many of the commentators recognised and commended the draft on being a comprehensive distillation of core common principles, and saw the Code as complementary to existing laws, standards, guidelines, protocols and handbooks. It was not and is not substitute for those which already exist in different sectors and jurisdictions.

- “If the code is a distillation of other guidance, it would be useful (and appropriate from an attribution perspective) to identify what elements come from what documents.”
- One commentator recommended a clearer acknowledgement in the Code of well-established normative, institutional and legal requirements around ethics and ethical approval processes in the research relating to human subjects. The same is true for other ethical codes, for attorneys, psychologists and other fields. These ethical codes have common elements - such as privacy/confidentiality, informed consent, do no harm - and this code is in line with all those non-negotiables in ethical practice in key fields. Once this is understood, it becomes clear that the Code is not a reinvention of the wheel. This commentator also suggested that each of these core elements have their own stand-alone principle, rather than being at the core commitment level in the Code.
- Another person urged that the initiative to distil standards ensures that it learns lessons from the pre-existing standard setting work, noting its past failure to ensure proper resources and funding to reach the ground and have tangible impact for survivors.
- One person suggested creating methodologies for listening to victims, women's organizations, as well as procedural subjects: experts, judges, prosecutors and plaintiffs or civil plaintiffs.

Noting the role of the Commentary as a portal to existing resources from different sectors or locations - including existing standards, tools and methodologies which can be used in resource scarce/remote/other challenging circumstances.

1.4.2 An explicit acknowledgement of the weight of responsibility on documenters

- “The responsibility of those entering into contact with/interviewing victims/survivors to manage expectations.”
- “One drawback is that it's almost a license for those who look at it and say, ‘of course I can manage that’. I would have preferred a disclaimer that emphasizes the awesome responsibility for those who undertake these complex tasks that require extensive effort, training and knowledge to do effectively - - saying that not everyone can or should be doing this whatever the view they may have of themselves (or something a bit prettier in language).”
- “Profound power of a documenter. You do have the ability to help or worsen survivors’ perspective of their experience. You can leave them feeling that they were worthwhile, or they are dirty. It’s incredible power.”

1.4.3 There should be something in the Code which recognizes different roles of different actors

- Suggested an annex or differentiating which ones apply to all and which don’t.

1.4.4 The Code could be more survivor-centred

Some feedback recommended that there should be more explicit stand-alone emphasis in the Code of both survivor-centred approach and do no harm. Some commentators asked that it should be more

empowering for survivors and be targeted more at survivors and helping them understand their rights. It was also suggested that the resilience of survivors is explicitly highlighted.

- “What also came into my mind while reading the draft was the position of the victim, that could they be presented also in a more empowering way, as an actor and a decision-maker, not solely as a victim and a survivor. This is not an easy one in this context but something I have thought when working with the victims. It also gives them the possibility to actively take part in their own procedures.”
- “A general comment is that I feel that there is a lot of language about vulnerabilities, trauma, and the need for safety and protection. As I noted in my comments, while those are valid points, we shouldn't overlook the strength, courage and agency of survivors. I would suggest trying to bring that out more clearly to avoid perpetuating the notion that all survivors need our protection. I know that it is a difficult balance to strike.”
- “As an overall impression, I'd really like to see a little more recognition of the agency of survivors within the code. They come across a bit as passive recipients of services etc, which doesn't reflect my experience of working with survivors and I'm sure isn't the intention of the authors.”
- “We would suggest making the survivor centeredness of the code more explicit through language choice. This could include mentioning trauma and risk of re-traumatization of survivors more frequently and ensuring language emphasizing survivor empowerment is included as much as possible.”
- “I think it can be even more survivor-centric. A best practice, or better minimum standard, should be that it all starts bottom-up, survivor-led, so for example local actors can be best placed to conduct the documentation, with or without international support. It sometimes reads as if international experts are the ones in the lead. Although international experts could be the ones providing technical support/training.” “Building trust is the main issue. Coming back is important too.”
- “In addition: - Where does the Murad Code explicitly highlight the resilience of the survivor? - Survivor-centred approach? Can this be reworded to highlight the strength and resilience of survivors?”
- “Participants/survivors need to be kept involved in the practical considerations for the interview and their requests for changing the interviewer, rescheduling or relocating the interview etc... should be honoured. While the individualised approach considers the wishes of the survivor, it is necessary to acknowledge this at the specific stage of interviews.”
- “Strengthen survivor’s priorities: for a truly survivor centred approach, it is crucial that we do not simply listen to and recognise that survivors may have other experiences or priorities. We must respect and, to the extent possible within our mandates and with their resources, have flexibility to act to reflect these priorities. In some cases, for example, survivors may prioritise their experiences of witnessing family members killed or abducted over their experience of sexual violence for the purposes of redress, or say they do not want one form of justice but would prefer another. This is not only relevant for the interview process, but we should factor this in to how we present accounts, and into decisions around the purpose for which testimony is used (i.e. what redress is sought). To this end, we should be asking survivors not only for their account of their stories, but also discussing with survivors what they see as the most appropriate solutions.”
- “I am not sure that survivors as individuals is enough and I would suggest to spell out here more clearly not the GBV guiding principles, as well as other principles that should govern/inform GBV IM, such as the need-to-know principle etc.”
- “We also discussed flexibility in methodology and ability to adapt to circumstances and wishes of survivors. So often we make methodology decisions before and without survivors. Where can we build in flexibility and adaptability?”
- “The [Murad Code] is very 'top-down' and not written to reflect survivors' experiences.”

- “It also suggests the inclusion in the Murad Code of the principle of self-identification, as an essential component of placing victims/survivors at the centre of the Code, as it acknowledges that individuals who have experienced sexual violence may or not identify themselves as victims or survivors. The Code could then specify that it will be using the term survivor. An important point missing in the background paper and in the Code itself is the acknowledgement that individuals who have experienced sexual violence may or not identify themselves as survivors. Some of them may self-identify as victims or as none of them. We suggest spelling out this acknowledgement as it is an important piece of placing victim/survivors at the center of the Murad Code. The Code could then specify that it will be using the term survivor. [Preamble or Principle 1]”
- In her research (in Colombia) she has found that the term 'victim' is preferable and chosen by those who have experienced sexual violence. She suggests that the Murad Code be clear that the language that should be used is what the affected person chooses, which may be victim, survivor, or something else entirely.
- “Clarify mixed use of Survivor/Victim.”
- “We understand and respect the use of the term “survivor”. It is a correct description and we appreciate how it avoids victimization. However, we have had feedback from officers that although they appreciate the term it is alien to them. This can and should change, and we are wondering if it would aid that change if the code itself included a brief justification/explanation for the use of the term. I draw attention to the use of the term because the feedback we received from some officers was that the code spoke more to the survivors than to officers, which is not an issue if that is the intention, but we understand that the code should instruct conduct.”
- “In the Murad code the term ‘survivor’ is used to identify the person who has been subjected to sexual violence-in order to avoid using the label ‘victim’ which is seen as pejorative. However, in criminal justice terminology, when an accusation is made, the accuser is the complainant and so that is my preferred term here.”
- “Some language in the Code could be reframed to reduce the burden on survivors, especially as relates to understanding the Code, where information is being used and following up after interviews e.g. “with the consent of and without applying unnecessary burden on survivors.”
- There should be more on “[u]nequal power dynamics”.

1.4.5 The importance of self-motivated disclosures and participation, rather than elicited disclosures through approaching or selecting survivors.

One important associated concept highlighted by some feedback is the recognition of different forms of disclosure (set out in [“The Silence I Carry”](#) by the Center for Human Rights, Gender and Migration at Washington University in St. Louis) and the dynamics which arise from those.

- *Self-motivated disclosures:* by survivors who independently have decided that they want to speak and actively seek out or are looking for that opportunity.
- *Enabled disclosures:* where a space is created and receptivity to allow disclosure, then you wait and if it happens spontaneously then you make it welcomed.
- *Guided disclosures* (or elicited disclosures) where you are probing, seeking and asking for disclosure.
- “With guided disclosure – there are a set of questions in there about why you need to know, for what reason, whose benefit, what value added by asking. And that then guides the how and what level of detail is needed. Only 1% of documenters really need the details – prosecutors/criminal investigators being one of those. Everyone else doesn’t need granular details – but what information is needed, is tied to purpose.”
- Another commentator asked for a specific provision on the ‘identification’ process. They noted that GBV actors in humanitarian settings promote the recommendation to ‘Never seek out the Survivor’ due to the associated risks. They recommended that the Code clearly emphasizes that

seeking out survivors goes against the survivor-centred approach; survivors have the right to choose themselves whether to disclose and what should happen next, including any investigation and persons involved. This supports the first two types of disclosure - and suggests that 'documentation and investigation' participation should be a referral through which survivors self-identify themselves as someone who wants to participate in that - therefore self-motivated. Approaching or seeking out survivors should be discouraged. This also emphasizes the important role of local partners and safe referral, and providing those partners with accurate and clear information about your objectives, role and realistic outcomes too.

- "Wondering if something should be included in avoiding prompting survivors to come forward? So participation is individual and initiated by the survivor? Maybe part of section [on] avoiding compulsion?"

1.4.6 There should be more of an explicit gender perspective and requirement for gender analysis

Some commentators from the humanitarian sector stressed the importance of explicit recognition within the code – and by extension those who agree to adhere – that women and girls are made uniquely vulnerable to CRSV and all forms of GBV by gender inequality and patriarchy. This baseline understanding is important to implementing a survivor-centered and do no harm approach (by putting in context the environment that women and girls are living in while also navigating services and life as survivors of violence). These commentators said such an acknowledgement was necessary for the Code to have a gender perspective.

- "In its current form, it will not be used by GBV in emergencies specialists because it is not survivor-centred and because it does not focus on the experiences of women and girls."

Other feedback extended this to others who are especially vulnerable to systematic CRSV including youth, girls, boys, the LGBTI population, ancestral groups and in general, subjects of special protection.

- "The lack of the gendered analysis that affects power dynamics in the documentation processes (including consent) will make it difficult to implement as there needs to be an acknowledgement of this by actors if they are to change behaviours and institutional cultures that permit unethical activities to continue. This is particularly important for those organisations (like [the UN]) that have pressure to produce reports that have verified numbers of CRSV incidents, which will always provide a perverse incentive to document."
- "It is also recommended to include considerations on gendered aspects of CRSV."
- "The Code should also emphasise a gender-sensitive approach to verification of evidence. When trying to corroborate information about SGBV, actors should recognise that it is not always possible to find independent and reliable sources for corroboration and therefore there cannot be a unified standard for verification of information."

1.4.7 The Code should explicitly recognise and meet the needs of a wide range of survivors

- "Including men and boys, noting that national law definitions and gendered assumptions/rape myths still limit recognition of survivors and limits their access to rights and reparation."
- "I would like to see more acknowledgment of LGBTQ and ethnic differences in Murad Code."
- "It is considered important to mention the categories of survivors to consider their specificities, the dimension of the violence suffered and the differentiated effects of the same, for example, women, youth, girls, boys, LGTBI people, women combatants."
- "It is proposed that the cultural and social diversity of the survivors be taken into consideration as well."
- "The importance of recognising survivors, even when they have become perpetrators or are being prosecuted. This is a serious concern for women facing justice for association or participation in terrorist organisations. Often they have been victims of crime to get them into [Violent

Extremism/Terrorism] -online grooming/coercion/fraud/trafficking. Women who are survivors or victims should also get the benefit of the Code, even during prosecution.”

- “It is our concern that the Draft Global Code assumes that all survivors are survivors of sexual violence committed in short and completed wars, rather than long and protracted conflicts.”
- On the cases he works on, SV victims are varied, including men. He thinks Draft Murad Code covers this diversity well.

1.4.8 The Code should also recognise the radiating harm and impact of CRSV beyond individual survivors

Some of the feedback highlighted the need to recognise the family and community around survivors more.

- “It is recommended to include a conceptualization of the term “survivor” and its scope, in order to define who is included in this category: direct victims, witnesses, family members and / or indirect victims.”
- One expert asked that the Code recognise and refer to inter-generational trauma.

Several commentators recommended that children born of rape/conceived of CRSV should also be protected and acknowledged by the Code.

- “These young victims are not currently mentioned. There are issues of stigmatisation of the child and the mother (e.g. Yezidi community which does not want the children of IS fighters). Their rights and victimology/protection are important. They stressed the importance of the Code addressing this issue in some way.”

Some asked that the collection of data and information on collective harm needs to be part of the Code.

- “In addition to adopting the individualised approach, the interviewers and other actors should also follow a collective approach. With the collective approach, they should gather information on collective harm and assist survivors/participants in obtaining collective reparations. Collective reparations are very important to end the stigma against SGBV survivors, because they can be made without mentioning their names or describing the form of violence endured by them. They can also be done in the form of public statements or official apologies, given out by the perpetrators themselves. While it’s understandable to try and keep the spotlight from the survivors in order to safeguard their identities, collective approach, and collective reparations through them, should be seen as the necessary complement to the individualised approach and individual reparations.”
- It is our concern that the Draft Global Code focuses on ‘survivors’, who are understood as individual ‘victims’. As the Code is conceived, it cannot engage with the ‘dead’, or affected communities and societies. This issue would not be ‘corrected’ by having wider categories of survivors or victims, as they would still be understood as individual victims.

One survivor quoted Judith Herman, “Traumatic events destroy the sustaining bonds between individual and community. Those who have survived learn that their sense of self, of worth, of humanity, depends upon a feeling of connection with others. The solidarity of a group provides the strongest protection against terror and despair, and the strongest antidote to traumatic experience. Trauma isolates; the group re-creates a sense of belonging. Trauma shames and stigmatizes; the group bears witness and affirms. Trauma degrades the victim; the group exalts her. Trauma dehumanizes the victim; the group restores her humanity. Repeatedly in the testimony of survivors there comes a moment when a sense of connection is restored by another person’s unaffected display of generosity. Something in herself that the victim believes to be irretrievably destroyed---faith, decency, courage---is reawakened by an example of common altruism. Mirrored in the actions of others, the survivor

recognizes and reclaims a lost part of herself. At that moment, the survivor begins to rejoin the human commonality...”

1.4.9 Explicit and separate provisions on safety, revictimization and reprisals

- “While the Code has provisions on prioritizing the safety of the survivors and on risk assessments and safety mitigation measures, a greater emphasis might be necessary around safety, security, protection and reprisals/retaliation. And also revictimization.”
- “Greater emphasis might be required in articulating risks such as reprisal.”
- “It is not just re-traumatization, we also need to avoid re-victimization and stigma.”
- “One of the biggest issues in the... project was security and threats. Even with code names, these cases are identifiable by suspects. How do we best support survivors when they are under threat?”
- “Action without harm/Do No Harm: although it is possible to see that in each action recommended by the code there is an ultimate goal, which is not to generate a greater harm than that already produced by the victimizing act, making the principle explicit can generate greater apprehension on the part of the users of the code, as well as strengthening pedagogy in judicial settings, where this principle is not clear on many occasions; nor applied in a general way.”
- “I also wonder if the Code should address ongoing sexual violence. This may be more relevant for SV perpetrated within communities and not CRSV, but what should an interviewer do if a survivor discloses current, ongoing violence? I’m not sure if legal/justice folks encounter this, but we (humanitarians) encounter it frequently. For example, we were interviewing [...] survivors [...] who had been subjected to sexual torture at home and then also described being sexually exploited by UN staff. Or adolescent refugee boys [...] who told us about sexual torture [...] and then about being raped in [...], too. What should an interviewer do at this point? This may be too niche and not relevant for justice actors focused on conflict related violations, but perhaps something to consider addressing.”
- “When we say safety, are we referring to the protection issue or do we need to be explicit on security and protection of survivors? Provision of safe spaces and shelters. Mechanism to address threats and intimidation.”

1.4.10 Access to victim advocates or legal representation and advice

Several commentators emphasized the importance for survivors in having access to independent victim advocates, lawyers or other persons who can advise them of their rights and options without having their own agenda/mandate/measurements of successive outcomes.

Some of the strongest messages from survivors during consultations were about being empowered and supported to make decisions about documentation on their own terms. Some survivors suggested that they should be represented by someone acting for them, in their interest. Some suggested this was an important role for a local trusted NGO or survivor network. A few survivors expressed their desire to be accompanied by another survivor.

*These recommendations were echoed in feedback from practitioners who work with survivors, and who highlighted the importance of adequate, independent advice about survivor rights and options **before** engaging with anyone seeking their disclosure/information, and noting that this person/organization can be a buffer and counter any power imbalances.*

It was also noted how many organizations and people around survivors have their own interests (financial, political, professional, etc.) and are not fully neutral and able to advise survivors impartially.

- “Independent advice, including legal advice, which serves only the client/survivor should be mandatory. This then raises the issue of available resources.”

One commentator noted that,

- “Interviews by international, state or private investigators [legal interviews] should in principle only be conducted in the presence of legal representation of the survivors, which must be guaranteed accordingly in terms of funding and personnel. In general, the right to legal representation should be made mandatory for all legal proceedings [and processes]. Interviews in other than the legal context should be conducted in the presence of a person of trust – like, for example, therapists or adults in case of minors – if the survivor so wishes.”

A critical aspect of this is the current lack of victim advocates, and to ensure that investments/resources are directed to create and support such survivor advocates, networks and organizations.

This would also connect to the emphasis on the survivor’s disclosure being self-motivated - that they make a decision separate from the person asking for information beforehand.

1.4.11 Inducements v. financial support or resources to cover associated costs and support

- “Financial support is essential in the case of surviving women, since in most cases they must appear accompanied by their children and / or people who are under their care.”
- A request was made to add clarity on this concept and guidance for many actors.
- This could be misunderstood as preventing support and covering financial costs. ‘Incentives’ and ‘inducements’ must be distinguished from essential support and expenses.

1.4.12 More is required on how the Code can take account of and counter power dynamics and imbalances which weigh against survivors and their autonomy/agency

- She would like to understand how the Code can take account of power dynamics, power imbalances and disclosures much later.

1.4.13 Delayed or late disclosures

- “Can the Code recognise and acknowledge delayed or ‘late’ disclosures? And that disclosure evolves or may occur over time/sessions/as trusted developed/as recovery/healing/processing takes place?”
- “So often disclosure comes late, only after a holistic self-help process has been worked through first. SV is so often not spoken about upfront. There is a huge difference after a time lag. She mentioned Bosnia and ANC activists who ended up in the camps. Only now, years later are details of the SVA emerging. They never had permission or were able before – again due to power dynamics.”

1.4.14 Stand-alone provision on managing expectations

- While Principles 1 and 8 both talk of providing honest, realistic information to survivors, there could be a stand-alone commitment on managing expectations from the start.
- “The Code should provide clarity on the implications for the survivor’s situation, or what it means for the survivor’s situation – in order to manage expectations of what they will benefit or not from the information collection.”
- “Although it is important to highlight the objectives of each encounter with the victim, making explicit the need to level expectations allows the interview or testimony process to be less risky, and the risk of secondary or institutional victimization is mitigated.”
- “It is, of course, right that survivors should be allowed to define justice on their own terms, and to define the kind of justice they want, but external actors must not promise or raise expectations of providing forms of justice that aren’t deliverable. For example, agencies such as NGOs and the

UN who have no ability to deliver criminal justice must not give the impression or raise the expectation that they can. In sum, don't make promises to survivors that cannot be kept. There needs to be clear communications with survivors about what the likely added value is for them. I feel one of the main ways in which current systems fail survivors (and this is especially true with SEA and peacekeepers) is that we use the term justice and the even broader term accountability far too readily and in so doing totally fail to manage survivors' expectations and mislead them."

1.4.15 A stand-alone explicit provision is required on stigma and societal responses

Stigma and societal responses:

- "Reintegration of survivors. One thing is to enable survivors to share their stories with their community another thing is to ensure that the survivors do not experience stigma and other harm, should they decide to speak up publicly or in a manner in which they might be identified. Therefore there should be efforts to inform affected societies to prevent victim blaming or any other (collective) negative responses."
- "The fact that victims/survivors might be also at risk of further physical harm (reprisals) and further stigma and marginalization as a consequence of an interview with external actors, besides (further) psychological harm, i.e. re-traumatisation."
- She also commented that the Code should deal with the balance between acknowledging and achieving survivor rights (e.g. a decision or report which determines facts which concern here and maintaining her wider rights such as reintegration and ability to live safely within her community. We discussed the importance of tackling and responding to stigma as a part of a survivor-centred approach and as part of an effective and safe interaction and outcome for survivors.
- "avoid re-victimization and stigma."
- "I wonder if also there is a place for guidance for print and digital media in refraining in using terms like 'sex slave'? I understand that is terminology used by ISIS as part of their 'ideology' and has its place in prosecution but the 'label' has been used very broadly in an almost tabloid fashion that would I imagine be very hurtful to victims who find their name attached to this label in print or online for decades to come."
- "The draft Code, while respectful and supportive of survivors, does not appear or feel to be empowering of victims. If the language of the Code was changed to one of obligations on the part of the investigator or person engaging with the victim to uphold the rights of victims that may alleviate some of this impression. In that respect, it has to be underscored that victims of sexual violence crimes are foremost victims of crime – crime, in all of its variations, typically traumatizes its victims. It has been the stigmatization of victims of crimes of sexual violence that has largely prevented these crimes being investigated and prosecuted with the same seriousness as other crimes. The Code must avoid any continuation of that stigmatization as having legitimacy. While it can and should recognize stigmatization, its approach should be aimed at eradication rather than just accommodation."

1.4.16 The Code should clearly apply to interpreters as one group interacting with survivors alongside almost all other sectors and actors

Many commentators stressed the importance of interpreters as actors who directly interact with survivors - as a primary target audience for the Code and to add more emphasis and explicit provisions on their role. This included suggested provisions on the selection, competency/qualifications/training, briefing/orientation, accuracy, attitude/stigma/respectful behaviour, safety of interpreters.

- "The role of the interpreter is so significant in terms of the outcome of the interview, and the contact with the witness/survivor can have a tremendous impact that this portion of the code could be bolstered."

1.4.17 More needs to be included for children and those with heightened vulnerabilities (currently in [Principle 1 and 6.4])

Invaluable feedback was received from child experts, those working with persons with (dis)abilities and those with heightened vulnerabilities. They also provided great resources which will be included in the Commentary. During consultations, we took additional efforts to engage on these issues.

Note: We still believed that more work should be done to ensure the Code adequately addresses and provides agency and protection for survivors who face heightened vulnerabilities. A series of expert roundtable focused on their perspectives were conducted in 2021 and the feedback is included below after the global consultation feedback.

Feedback requested an explicit recognition in the code that children are those under age 18 years old and to be clear on this alignment with the CRC. It needs to be more specific to child rights.

- “Firstly, it is strongly recommended to include the definition of children in line with article 1 of the CRC (person between 0 and 18 years of age). This is relevant for the Draft Code as children are, according to international law, entitled to specific rights and safeguards mean that duty bearers have specific obligations to respect the rights of individuals below the age of 18. Furthermore, a child’s ability to make claims, as rights holders, to duty bearers, is often dependent on the support of others, as they require special protection under international law, as provided by, notably, the Convention on the Rights of the Child.”

It was also proposed that the two broad categories of ‘adults’ v. ‘children’ might benefit from references to adolescents (noting adolescent girls are often vulnerable to being ‘treated’ as adults, and they are often among the most vulnerable to SV), as well as explicitly recognition of the different challenges of the elderly.

Some commentators suggested that separate special measures are set out for children, persons with special needs/(dis)abilities and others with heightened vulnerabilities. They stressed that more attention should be paid to children and adults with intellectual and development disabilities. One disability rights advocate spoke of how often people with disabilities are assumed to have no capacity or ability to provide information. They are overlooked. In addition, both children and adult with intellectual disabilities are rarely empowered as agents and decision-makers. The Code should tackle this accessibility and agency. While the Code provides some provisions, because it does not name the groups or make explicit specific provisions for each group, some commentators felt that these groups were not acknowledged, protected or empowered by the Code.

Separating out children and other groups into separate chapters was proposed by a couple of commentators, which would stress the importance and get out more detailed guidance, similar to the IP2’s approach. Issues of agency, informed consent, right to be heard are important for child survivors:

- “How can we ensure that the child’s right to be heard / to participate is respected and that their parents / legal guardians take decisions after duly consulting the child that are also in the best interests of the child? It would be important for the Code to address the rights of child survivors in this regard in a separate chapter as suggested.” “Perhaps this is for the commentary/what accompanies the Code – that in the section about preparation it can weave in there sections on men and boys, children, etc, and also context specific. It should be a tool which says in preparation, you need to do x, y and z.”
- “I think this is especially important for any situation involving child survivors and those with heightened vulnerabilities. There can perhaps be a separate section that focuses on the heightened responsibility of those with limited training to make sure they do not re-traumatize the survivor. In particular, it is important to note to what extent section 4 (preparation as the foundation) will be applicable to untrained individuals, especially ones who are not generally

expected to take part in each step in the process, from risk assessment/mitigation to follow-up. I think that there can be more of an emphasis on the special needs and rights of children and those with heightened vulnerabilities. For example, the WHO Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies specifically creates a separate category for children. This category requires additional safeguards to be put in place if children (under 18) are the subject of information gathering, including a strong case to even include children in the information collection because of the harm that can result from such interactions, specialist technical advice/support needed, specific consent procedures, requirement of specialized training in working with children, and procedures if the child is unaccompanied. Further, other codes of conduct that deal with other international violations, like human trafficking, share similar principles with the Murad Code. However, they also specifically distinguish how to handle child survivors.”

- Include more on “children’s rights, roles and impact within communities/families”.

1.4.18 Rights to broader forms of justice should be included

Rights to broader forms of justice should be included to complement and emphasize individual choices and priorities around different forms of justice. A number of people providing feedback requested more emphasis on all options, forms of justice and rights which survivors may wish to pursue, e.g. restitution, reparations, redress, strategic litigation, the right to the truth and truth-seeking mechanisms, non-repetition measures, measures tackling structural violence, dismantling amnesties and “social promotion programmes”. One commentator asked that the word “transformative” be used in relation to justice and reparations.

- “Further, if the code is to have an impact beyond ‘not retraumatizing and harming survivors’ the justice component needs to be much more central. The Code should be a means of producing meaningful outcomes for survivors. The options for restitution/reparations/redress and so on, especially as defined in the field of Transitional Justice, should be consistently on the table.” “More tangible provisions addressing (a) Transitional Justice (b) Structural Violence (c) Dismantling amnesty for those guilty of sexual violence would make these principles more effective and meaningful on ground – documenters should be mindful of how these mechanisms operate in enabling or preventing healing.”

1.4.19 Add something to the Code about adequate resourcing

A number of comments requested specific provisions to be directed at donor, budget designers and purse-string holders, policy makers in terms of what needs to be supported and what systems need strengthened for Code compliance. For example,

- “Add institutional or expert support to make decisions in the field regarding the MC issues-what kind of support, in the moments where you have to make a decision, in the field, what kind of support is on offer to work through ethical dilemmas you may face? What kind of standing capacity is there for that?”

1.4.20 Ensure the Code also ‘speaks’ to and can be applied to media actors

- “Media and communications ethics should be integrated.”
- “It is recommended to emphasize the behaviours and principles that documentary filmmakers should follow when they come into contact with women, with people belonging to indigenous groups and / or with people who are in differentiated cultural and social conditions. This will allow an understanding of the rights of survivors from the intersectionality of violence in general and sexual violence. Specifically, greater emphasis should be placed on ensuring that survivors understand the political-military contexts in which sexual violence was generated, the functioning of public institutions, as well as the functioning and objectives of the justice system.”

- “I do suggest that more explicit focus on the publication of information ethically be given more attention – balanced narrative framing, appropriate language, protecting identity of individuals to prevent retaliation.”
- “There is no mention of photographs/videos. Is this something to consider adding? UNICEF published an ‘ethical framework for field research teams’ as an example of a code of conduct, which has a separate section on photograph guidelines.”

1.4.21 Address the issue of group documentation - where survivors collectively document in a group.

Note: This issue was raised in a footnote in the Background Paper for the draft Murad Code.

- “The balance here is that group sessions with survivors can have many benefits for some sectors - it is used widely in PSS and in research. The issue is that if the survivor wishes to seek or participate in a criminal justice process, the earlier participation with other witnesses/survivors of the same events may raise challenges of credibility and reliability. The argument is that these group sessions can influence/affect - or in criminal justice terms ‘contaminate’ or ‘taint’ evidence so that it is not seen as the survivors own uninfluenced evidence. Noting this can also happen when those working with survivors ask leading or suggestive questions, when they put other evidence or witness account to them, etc.”
- “Again, this should be about the survivor making decisions and balancing the benefits and risks of participating in group sessions to collect or discuss events. Survivors should be informed of the risks such activities pose in relation to subsequent participation in criminal justice. This issue is important because many survivors speak of the importance of working with and being supported by other survivors. Those organising group sessions could think more about the risks and how to deconflict or mitigate these risks in how they design these sessions and their purpose/topics/level of information. Criminal justice actors could also look at how we can strengthen our processes and practice so that survivors who chose to work together with other survivors are not discriminated against in court proceedings.”
- “In reference to the comment made in the footnote, relating to the documenting and investigating “in a group setting”; this may be possible depending on the aim of the documenting and investigating of the conflict-related sexual violence. However, if the ultimate goal is a judicial process, where individual evidence will be presented, and credibility of testimonies will be assessed, a group format documenting or investigating is not advisable. A victim’s personal and actual recollection of facts may be tainted by the “collective memory” of the group interaction, which may affect the authenticity and credibility of the victim’s testimony.”

1.4.22 “The Code should tackle remote engagements and all the measures necessary for safe and effective remote work.”

1.4.23 Criminal justice and court proceeding specific topics or aspects

The question is whether these need to be addressed in a universal code which is supposed to deal with survivor-centred principles for all sectors. Or whether these should be left for institutional/ sectoral discussions and reform sparked by the Code, or address in the Commentary against relevant topics as part of practice in different sectors.

Comments related to adding measures to tackle:

- “prejudicial use of prior statements in court proceedings.”
- “limiting the duration of (legal) proceedings (where possible / feasible) in the case of underage victims. Especially for child victims of sexual violence.”

- “victims must be included in the proceedings, so that victims know what will be done with their statements, whether there will be legal proceedings, an investigation, etc. Victims must know where they stand since in [] experience this is helpful in the processing of traumas. This issue can be found in point 4.7 (follow up) and point 5.1 (clear purpose), but there could be more attention for this in the Code or in the background paper.”
- “the risk of self-incrimination by a survivor when interviewed by a law enforcement official (a survivor may disclose facts which may result in criminal liability if not properly informed and supported). The Right against self-incrimination could be included.”
- “something should address the forensic / medical examination which is quite automatic during domestic criminal investigation.” [court ordered/lack of informed consent]
- “It would be important to emphasize (for law enforcement in particular who may use the Code), that the means are as important as the end. Criminal justice practitioners have coercive authority and in their determination to secure a conviction or obtain critical information for a lead, they should be conscious that because of their inherent authority, they can influence what interviewees say to them (i.e. interviewees can feel pressured to give the ‘correct’ answer); and they should be conscious to diligently respect due process and use ethical techniques. – hence the importance of using of non-coercive investigative interviewing techniques. Another principle for interviewers to be aware of is not to be guided too much by their own views/hypotheses about events (what they already know or think they know), otherwise they start the interview with a ‘confirmatory bias’ and they will overlook potentially important information.”
- “Inclusion of a paragraph on specificities of conducting investigations of conflict-related sexual violence and what are the possible best practices around this, such as difficulties
 - To acquire enough information during interviews with the survivors (due to stigma etc.) to make a case.
 - In conflict situations the investigators often face a dilemma between getting the needed information from the survivors and witnesses to build the case against the perpetrator(s) and ability to travel to the area these persons are located at (due to the conflict etc.). Often the interviewees cannot afford to travel to the interviewer. My understanding is that at time, some investigators pay the travel expenses or small amounts of money for such services. However, there is a moral dilemma connected to such payments (paying for information = tainted information?).
 - In sharing of information/re-interviewing risking secondary victimization should not be allowed (this one is already mentioned in the Code).
 - Dilemma between the ability to provide witness protection in these highly-sensitive cases and acquiring information.”
- “The Code does not sufficiently speak to prosecutors and judges, and appears to be dismembered from the realities of the justice process. Some rights/principles identified in the draft Code are by their very nature irreconcilable with traditional formulas of justice. For example, the principle of confidentiality – which while is a cardinal principle, when presented as an absolute strikes out against the accused’s right to know the allegations levelled against themselves and the corresponding disclosure obligations by the State. Therefore, the principle of confidentiality could be contextualised to withstand fair-trial based legal challenges.”
- “Ensure judges and legislative drafters are also targeted by and engage the Code - noting for e.g the importance of witness preparation as part of the justice process. For example, at the ICC inconsistent and limited practice allowing preparation for vulnerable witnesses leads to a disconnect between the prosecutor, the court experience questions asked, etc. and make it more traumatising.”

1.4.24 Additional victim rights which could be protected and emphasized by the Code

The feedback also mentioned additional victim rights which could be protected and emphasized by the Code:

- Reproductive rights,
- Rights of participation,
- Right to land and housing, “self-house” for survivors?
- Socio-economic rights
- Right to self-reliance.
- “Post-survey support?”
- “Psycho-health and economic support [Principle 6.5?] Development of post-traumatic symptoms? community rejection? Avoid this by setting up reception and / or accommodation centers during this exercise?”
- “Providing adequate information in order for survivors to access social programs for compensation and political participation.”

Recommended further review and incorporation of international and national law, for e.g. the Colombian law on special protection and rights of vulnerable persons including CRSV survivors was asked to be considered.

1.5 UNINTENDED RISKS

1.5.1 Resource disparity

Some expressed concern that the commitment in the draft Code would only be achievable only by the best-resourced organisations - meaning that small NGOs, CBOs, activists including survivor activists providing sustained vital responses could be marginalised or defunded especially if funders choose to adopt a full and demonstrable compliance with the Code as a precondition for support.

- *One NGO asked how they can resource compliance. “The draft is silent about resources but there is an unspoken assumption that actors have the necessary resources (again this favours the international larger actors).”*
- *“The Draft Global Code, if fully implemented, requires resources that few individuals or organisations are able to provide. This issue is particularly acute when interviews take place in war zones or post-conflict areas. It is our concern that only resource rich ‘internationals’ will be able to meet these requirements, thereby excluding legitimate documentation by ‘local’ actors who may not have the resources required by the Draft Global Code, but still undertake ethical and necessary documentation. Given this, the Draft Global Code increases the likelihood of having western-based consultancies becoming primary documenters, and so risks increasing commercialisation of documentation. It is our concern that the Draft Global Code ignores the crucial question of resources and does not provide target groups with effective assistance that would enable them to implement its stated principles.”*
- *“Recognising and addressing post-colonialism resource disparities – some actors will automatically be barred from upholding the Code because of resource disparities. Not just financially, but also information, training, knowledge and access. The Code contains very valid important principles but if you don’t have the resources you cannot uphold it.” She does not disagree with the principles but it immediately strikes you – “how will rural local actors be able to address this or even access it. This disparity needs to be acknowledged as part of the Code. Also as part of the implementation strategy. How do you bridge that divide? There should be an explicit prioritisation implementation strategy focused first on supporting resource-scarce/power differential impacted rural local actors (who can’t leave, who don’t have resources, education, training, political influence) – so it recognises that differential and channels support to those actors first.”*

Another commentator pointed out that one of the critical lessons to learn from existing standards, which the Code distils, is that they were not sufficiently resourced in the implementation phase.

Commentators highlighted frequent resource gaps at community-level such as confidentiality/secure preservation systems, training/mentoring/access to expert consultants, local language materials, capacity for self-assessment, etc.

- “For example, this is especially the case for the professional technical requirement of consultations with experts; for small organizations or independent researchers or students it is not always the case that access to such experts is feasible. Further, the requirement of the Murad Code to practice a certain level of document preservation in a locked or private location, although a highly vital component for establishing trust and maintaining confidentiality, is costly for individual researchers, and better suited for organizations with large funding. Certain modifications or alternatives should be suggested in order to facilitate individual researchers' ability to adhere to the Code without compromising on privacy and confidentiality, as well as not imposing a financial barrier that acts as an obstacle to implementing the Code. This flexibility will ensure the adaptability of the Code in different contexts, and especially for community-based organizations or those with limited resources.”

One commentator stressed the importance of resourcing training and mentoring for actors who would use the Murad Code/conduct interviews:

- “A key issue is the absence of training and mentoring with respect to conducting interviews, investigations and/or case documentations. While the principles set out in the protocol for conducting investigative interviews are robust and evidence based, they cannot be learned without significant support. One significant risk of failing to train and mentor, is that interviews will be conducted improperly and this will cause harm to survivors. Improper interviews may result in 1) the testimony being compromised by interviewers asking closed rather than open questions, or telling the witness/survivor what other witnesses reported (this requires practice to do it effectively); 2) the information not being properly recorded (e.g., studies have shown that 25% of what gets written down during interviews by the interviewer contradicts what the witness/victim actually said); 3) the survivor being asked questions that undermine the whole of their testimony; and 4) the survivor disengaging from further investigations if they are not treated in a sensitive manner or re-traumatized during the interview process. Research has shown that these issues are major reasons why survivors are unable to access justice or legal redress. Inconsistencies across statements given across interviews, are routinely used to challenge the accuracy and credibility of the survivor's account, and often result in case not being prosecuted, or no conviction. There is a dire need to provide rapid guidance and training on effective case documentation, particularly in low resource contexts, wherein there is not significant money or time for organisations to attend the courses like the ones IICI offers.”

One commentator recommended the following research and resource as useful for the Murad Code: [Smith, L.L., Flowe, H., & Kanja, W. \(2019\). Achieving more with less: A critical review of protocols for forensic investigation of sexual violence in low-resource environments. Forensic Science International: Synergy, 1, 108-113.](#)

A number of commentators recommended that a primary initial focus and use for the Code should be the empowerment of survivor networks and women's organisations working with CRSV on the ground. In this way, in the first stages of implementation and resource, the Code could reach the ground and have an impact for survivors. For example,

- She asked if we can look at how we embed and prioritise getting the Code to those kinds of organisations. “If we could target women survivors in their communities – how they can use the

Code to empower and protect themselves, to help counter power dynamics which run the other way. And how they can use this to document for their own purposes, for their own forms of justice in their communities and lives. It is so important to get this into the community level.” She thinks that the best and easiest way to embed the code is to take it to partners on the ground – through sustainable, reliable partnerships where there is trust built. She has spoken to a couple of people and everyone wants to engage. “It can be taken to the ground and used. Donors can provide a nudge. Whatever the implementation strategy, it's important to ensure elements of capacity-building which are context-specific, nuanced and decentralised/localised. Whether it's peer-to-peer, support desks, etc.”

Lastly, the group who published their feedback expressed concern that the DMC does not expressly tackle privatisation and commercialisation of documentation:

- “The Draft Global Code intends to address the increasing documentation by private and non-state actors. In doing so, it accepts the privatisation and commercialisation of documentation and data management by powerful international and professional organisations, while at the same time weakening the essential role of civil society actors in undertaking documentation. It is our concern that the Draft Global Code accepts and promotes the increasing privatisation of criminal investigations. As such, the Draft Global Code permits and thereby legitimates this increasing privatisation. It is our concern that by accepting such privatisation, the Draft Global Code will weaken political support for, and divert resources from, investigations by the State and/or United Nations bodies. It encourages States and the United Nations, who are the primary duty bearers, to abdicate their responsibility to private actors who have their own political and financial interests. It is our concern that the Draft Global Code accepts the increasing commercialisation of documentation and data management, as it accepts the funding of private and non-state actors to undertake documentation.” and,
- “The Draft Global Code sets out principles that are rhetorically powerful, but are unable to be applied in practice. The Code outlines generalising and moralising principles concerning documentation. Such a paternalistic, indeed, colonial approach which exploits survivors’ experiences and takes ownership away from them, cannot address the practical challenges of resources or capacity to undertake documentation. It is our concern that the Draft Global Code is not of practical help to those who would be willing to use it. The Draft Global Code will work against enabling local ownership of documentation, and to reinforce existing power disparities and resource exploitation.”

1.5.2 The Code might be seen as a licence/encouragement to do the work

- “Actors who read the Code might feel empowered to investigate these cases but it’s not enough to ensure they apply these principles well – maybe add a disclaimer and recommend trainings/course they can take?”
- “People may think they are sufficiently prepared to document just by following this protocol. It should be frequently reinforced that the protocol is not a replacement for training and that professionals should be retrained periodically as best practice in the field is constantly evolving.”
- Confusion on mandates as explained above – “people may believe it further encourages everyone to document or work with CRSV survivors.”
- “In this regard, we note a potential risk of creating a sense of entitlement to entering into contact with victims/survivors by a wide range of actors who have no experience/mandate to do so, if the target audience is too broad” (suggested to also review para. 9 of the background paper).
- “Care should be taken so that the Code doesn’t become a licence to do whatever one wants by organisations who are vaguely compliant, especially in light of point 1) [the principles are too vague and doesn’t say how to do it.]”

- “Noting that the Murad Code will be accompanied by Commentary, a Survivor’s Charter, and later, sector specific implementation tools, it would be helpful to understand the nature and substance of these components. One concern noted in reviewing the Code is whether it may unintentionally give a false sense of confidence to individuals in their ability to undertake this kind of work. It may be necessary to provide some form of disclaimer that ideally only trained professionals should undertake this kind of work. While the Code may set out principles of conduct it is certainly not a template or license to engage with survivors – quite the opposite. Perhaps there could also be mention of the need for proper training and context specific knowledge.”
- “There are risks for the privacy and dignity of survivors. In this regard, protection of personal information or data is extremely important to ensure the anonymity of victims that does not want to reveal their identity. This could be a very sensitive issue if an organization or person leaks information and can directly impact the protection of their dignity. As per above-mentioned comments made under question A)2), the risk that the Code may be seen as an instrument replacing thorough in-depth training of interviewers should be taken into account.”

1.5.3 Discourage documentation or restrict forms of documentation

Conversely, some worried that the Code’s obligations would discourage documentation or restricted forms of documentation:

- “If the Code is understood to comprise “non-negotiable red lines”, where concerns arise regarding the adequacy of resources, expertise or conflicting legal or ethical obligations, the Code may have the unintended effect of deterring the investigation and prosecution of conflict-related sexual violence crimes altogether. Adding mandatory provisions of the Code, applicable only to sexual violence offences, could aggravate the perception that sexual violence crimes are too difficult and resource-intensive to pursue. The significant progress that has been achieved in surfacing and achieving accountability for conflict-related sexual violence could be undermined.”
- “Another possible unintended consequence of the Code could be a silencing of alternative approaches to the existing model of documentation, or a lack of innovation and support for other routes to respectful documentation of survivors’ accounts of conflict-related violence. Further, should funding be linked to signing on to a particular model, there could be a negative consequence for small organizations. We would like to see closer engagement with local capacities and processes that may challenge the existing model of documentation.”
- “For local service providers that are still in a steep learning curve, such a code could also lead to fear to implement. It’s for discussion of course if they should, if they cannot comply with certain standards (e.g. storage keeping).”
- “There may be a chilling effect in terms of engagement with survivors if the requirements are too stringent or the thresholds too onerous. This “distance” may be perceived by survivors as a lack of interest in their stories.”
- She worries about the Code being used or seen as any kind of straight-jacket – that it's restrictive, not permissive.
- “I have not done a track change as I was getting into the weeds of how much of it is commendable in principle but in practice in conflict/recent post-conflict scenarios a lot of the guidelines would mean that any form of investigation would almost always pull back for fear of doing harm or potentially adding no value to a survivor's quality of life. [...] Apologies if it comes across negative - not meant to be as the idea and principles are good. I can just see however that in most cases we encounter of SEA and SGBV we could find ourselves scared to proceed for fear of doing harm.”

1.5.4 Use of the Code to undermine or challenge efforts, including in court

- “I suspect some of the less scrupulous defence attorneys will use the code to discredit investigations.”

- “If you look at situations as a sequence of events from Violation to Raising the Alarm phase; to Investigation phase; to establishing an accountability mechanism to prosecution or other remedy, I have a concern that there may be a negative impact in the Raising the Alarm phase.”

1.5.5 Is there any risk the provisions of the Code conflict with national laws?

- “It will be important to think about how to address instances where the Code may be in conflict with national laws.”

1.5.6 The existence of the Murad Code may prevent other initiatives which are seeking to identify and prevent unsafe, unethical and ineffective documentation

- “On the contrary, the Draft Global Code may in fact make it harder to develop effective responses to this challenge. This is because the Draft Global Code suggests that implementing these principles will resolve this challenge, when it is unlikely to do so. At the same time, it may also lead actors from the target group to believe they are authorised to interview survivors once they are familiar with the wording of the Global Code, creating further poor documentation practice. This approach runs the risk of preventing an adequate analysis of the causes and consequences of unsafe, unethical, or ineffective documentation practices. It also runs the risk of preventing the development of a holistic approach that can address the individual, institutional, communal and structural changes required to address these harmful practices.”

1.5.7 If it is limited to CRSV, that may send messages devaluing, deprioritising or minimising other forms of GBV

- “There is a risk that the Murad Code may be perceived as a tacit endorsement of the belief that CRSV is the most common form of GBV experienced, particularly by women and girls, even though evidence (most recently from South Sudan) demonstrates otherwise.”

1.5.8 Other concerns

- “There is an underlying assumption in the Murad Code that conversations with victims of sexual violence are always helpful and beneficial. This perhaps can be qualified with the following condition: conversations with survivors are helpful when the aim of the interview is clear and understood by the survivors. It must be clarified that the interview is indeed for the purpose of documentation, and to manage survivor’s **expectations** accordingly. To ensure survivor’s trust in the process and in the conductors of the interviews, there needs to be a management of expectations and knowing what can be fulfilled and what is beyond the capacity of the documenters. A fruitful conversation is a survivor-led conversation: one to which the survivor consented and in which their choice is held and respected.”
- “We don’t anticipate negative consequences, only that certain people might not fully grasp all of these provisions particularly because some seem to apply more to certain groups than others. Additionally, people seem to be so busy these days they have a hard time finding time to read. Is there a way to involve editors and even graphic designers to present the information in a way that can be very easily absorbed?”

1.6 Resource list

- “hyperlink or library from website”.
- “Embed hyperlinks in bibliography and references.”
- “The resource list is not organized in a useful way. I would suggest organizing it by topic and providing annotations and links.”
- “Overall, it would be helpful if the Code linked to guidelines or other resources that will help for those trying to implement the Code.”

2. SPECIFIC FEEDBACK AND ANNOTATIONS ON DRAFT CODE ITSELF

Preamble/forewords/introduction

- This should be “Vision, scope and application - when it applies and to whom and how it is supposed to work. Deal with the boundaries. Deal with the assumption it will be enforced strictly immediately as a compliance matters, rather than supported.”
- It “should start with survivors as agents and the aim for survivor-centred efforts/experiences (at the moment it speaks of only a better community of practice). Can this be (re)worded to highlight the strength and resilience of survivors? Mention specifically of SCA and Do No Harm here might help underpin (if there aren't to be Principles or Core Commitments specifically on these two points). May be also mention as an introduction that the development of this Code contributes to the operationalisation of the survivor-centred approach to CRSV. As per above, not responders? The environment & actors influencing it can change, how to deal with that?”
- “Can it be explicitly clear – when investigating would be considered? When investigating would NOT be considered? When documenting would be needed? When documentation is NOT needed? Why investigating/documentation would be permitted? Why investigating/documentation would NOT be permitted? What is the benefit of investigating/documenting? [Including why not necessarily a good thing, and certainly not everyone’s role]”
- “If the ‘we’ is still being used, address explicit who the ‘we’ is and who it includes (see comments above). Ensure it explicitly includes self-documentation by survivors, and documentation by survivors for others. Survivor documentation is important - victims feel more comfortable with other victims documenting. The victims, when they document, they try to give a better approach to other victims. Because they had the same experience, and lived an empowering process, they have very good emotional tools to attend other survivors. In the Colombian context, that victims have the capacities to document and support other victims. Colombians are empowered victims. We are political agents. We are not passive.”
- “On the ‘By undertaking’ section, Who is the ‘we’? - Is this ‘we’ inclusive of the survivor - How is the ‘we’ inclusive of the survivor, regardless of the survivor’s age?”
- “Also ensure it is clearly addressed to community-based actors - in part countering the top-down criticism or presumed emphasis on international actors.”
- “Add something on the profound responsibility of a documenter. The Profound power of a documenter. You do have the ability to help or worsen survivors’ perspective of their experience. You can leave them feeling that they were worthwhile or they are dirty. It’s incredible power.”
- “Good documenters empower survivors.”
- “Frontload the principle of self-identification, as an essential component of placing victims/survivors at the centre of the Code, as it acknowledges that individuals who have experienced sexual violence may or not identify themselves as victims or survivors. The Code could then specify that it will be using the term survivor. An important point missing in the background paper and in the Code itself is the acknowledgement that individuals who have experienced sexual violence may or not identify themselves as survivors. Some of them may self-identify as victims or as none of them. We suggest to spell out this acknowledgement as it is an important piece of placing victim/survivors at the center of the Murad Code. The Code could then specify that it will be using the term survivor. Chapter 12 of OHCHR Monitoring Manual as well as OHCHR outcome report on Strategic Litigation contain useful language in this regard.”
- “Please refer to us as victims AND survivors. We are both. Colombia Law 1448 acknowledges us as ‘victims’ rather than survivors-if use survivor, it takes away accountability of Colombian govt. on the other hand- you survive an earthquake, but don’t survive sexual violence. We call ourselves

victims-if we call ourselves survivors, we take a burden away from the govt and our rights as victims.”

- “Consider including a reference related to the fact that the Code complements and, not to substitute, existing manuals and guidance, and as appropriate, acknowledge the diverse roles and mandates of its target audience (see below comment on target audience), and how it aligns with existing standards.”
- “Emphasize the effectiveness point.”
- “Explain the order and how each Principle interrelates with others, and any prioritisation if there is any.”
- “Something on a commitment as individuals and organisations, each in our role and sphere influence to identify and challenge drivers of bad practice, find better ways to empower and support survivors in the choices and paths they take to the best of our abilities and with the resources and influence we have.”
- “Something on knowledge, attitude and practice.”

In terms of the/a list of types of people/sectors:

- She mentioned the list of actors in the pre-amble/header paragraph. She thinks it is important at this stage to remove the specifics here- or at least take out celebrities. She believes that the Code in its general form will speak to sectors/actors/situations and a slow expansion from the starting place with strategic engagement and support will see a more natural update of the Code. “Do not start so explicitly broad - it sets expectations too high. Give it the space to trickle down into sectors and locality. Target your strategy to achieve that. The more simple the better – be general as you are and then let sectors shape the day-to-day application and solutions to uphold these principles. You also shouldn’t close down potential uses and avenues – these will grow organically where it is useful, and where survivors and advocates in these areas see its value and use.”
- “One concern, however, is the envisioned reach of the Murad Code beyond trained individuals. As it is currently worded, the Code applies to those who are either trained in working with survivors and also to ‘journalists, celebrities, politicians and other actors who are not investigators but who sometimes engage with survivors of conflict-related sexual violence in ways which could become important in later justice processes.’ While it is necessary to have a Code apply to those who incidentally interact with survivors, it is questionable whether the bulk of the Code can apply to these individuals, including section 3 (local knowledge and understanding), section 4 (preparation as the foundation) and section 5 (add value or don’t do it)—all which require either extensive training or a long-term commitment to an interaction project with survivors.”
- “Should mention survivors even though the whole goal is to create survivor-centred experiences. At the moment it just says creating a better community of practice.”
- “Add ‘journalists’, add ‘human rights advocates’ to the list. No mention of medical.”
- “Remove reference to ‘celebrities’. ‘Celebrities’ are unlikely to have had the necessary initial training to fully understand the safety and ethical implications of engaging directly with survivors to document conflict related sexual violence.”
- She pointed out that ‘celebrities’ struck her as odd in the header. She is worried that it is read as encouraging that they do!
- “Celebrities, high level delegations – being careful not to imply its’ everyone’s work or business.”
- “Re the list of actors: How do each of these groups support survivors? Is there any overlap between them? Does creating groups like “those in.. direct contact with survivors” and “those who can influence” imply that those two groups don’t overlap? When the “service providers” (including- but no limited to: case workers, doctors, nurses, social workers) are not the first listed as service providers, what impression does that give to the reader on who is a “direct service provider”? Does the Murad Code address power dynamics?”

Others

- “Perhaps there should be a clarification: Since the document is formulated in terms of “We will...” when it will start to be implemented will it be treated as a declaration/ document to be signed ahead of getting started on documentation?”
- “If someone commits, what system is used to enforce it?- What does this look like practically?”
- “Add after community of practice ‘for investigating and documenting conflict-related sexual violence’.”
- “Suggest: ‘...build and support a community of practitioners which effectively adheres to ethical and safety standards in their interactions with survivors of conflict-related sexual violence, and which supports compliance with international law.’ The Code is thus for those in direct contact with survivors...”
- “On community of practice - Is it a group of individuals in a virtual space? - Is it a membership? - Are there requirements to join? - If so, how often does one need to renew membership? Who maintains this community?”
- “On ‘compliance with international law’ - with international law and human rights standards.”

2.1 PRINCIPLE ONE - SURVIVORS AS INDIVIDUALS

- “The Draft Global Code seeks to recognise survivors as individuals, but also looks at ‘the survivor’ as a homogenous group, and assumes they have the same interests in ‘justice’ (see Draft Global Code 1.1 and 1.6). It is our concern that the Draft Global Code produces an image of ‘the survivor’ which is far from reality, ignoring that survivors may have their own political and economic interests or ideas of justice that might not be shared with other survivors. Moreover, these interests of individual survivors may be in conflict with those of other survivors, or with other groups of survivors.”
- “As an investigator you think about getting the evidence, getting justice, judges and others will look at this and approach it by being a professional, and for a survivor it might be their only time meeting with a documenter and is a very big experience. But for documenter they are the tenth survivor you’ve spoken to that week. For you it’s your job or routine, it won’t feel routine or just another day for us.”
- “Survivor -Documenter self-care must be in Murad Code. What are the principles of self-care when the documenter is also a victim.”
- “Proper language is essential in the documentation process.”
- “It would be worth specifying or evaluating the need to establish somewhere in the document that the documentation of this type of case is not limited to the testimony of the survivors.”
- One survivor referred to Judith Herman, “The first principle of recovery is empowerment of the survivor. She must be the author and arbiter of her own recovery. Others may offer advice, support, assistance, affection, and care, but not cure. Many benevolent and well-intentioned attempts to assist the survivor founder because this basic principle of empowerment is not observed. No intervention that takes power away from the survivor can possibly foster her recovery, no matter how much it appears to be in her immediate best interest.”

Suggested additional core commitments for Principle One

- Managing Expectations: repeatedly mentioned in feedback - see 1.4, 1.5, 1.8.
- Non-judgement: “Perhaps the code should also include a commitment to non-judgment and bias in the interaction with the survivor.”
- Self-identity/autonomy: “I realize you don’t want to highlight specific groups of survivors – because that opens up a can of worms! – but I wonder if there is a way to underscore the importance of respectful, survivor-led interviewing. E.g., male survivors usually prefer not to speak about SV but torture instead – this should be respected and their language reflected. Similarly with LGBT persons – their pronouns, identity, body parts (e.g., “front hole” for trans men), should

be accurate translated, reflected back to them, and documented in a respectful manner. Perhaps this could be highlighted in examples?”

- Invisible groups: “Those with disabilities ignored. They don’t have access to justice. Not see them in Murad Code.”

2.1.1 Individualised approach

We will treat/work with survivors as unique individuals. We will tailor our approach to an individual survivor’s rights, needs, wishes and risks, recognising their diverse experiences, abilities, characteristics, challenges and vulnerabilities based on who they are in the place they are. We recognise that understanding their particularities and social background, and how they uniquely combine/intersect (including age, race, gender identity and gender expression, sexual orientation, sex characteristics, religion, nationality, ethnicity, family situation, culture and traditions, economic situation, intellectual and physical capacities/(dis)abilities, socio-economic, legal and other status, education and literacy level and other aspects) is a foundation for more inclusive, equal, safer and more effective engagement. We also recognise that rights, needs, wishes, risks, experiences, abilities, challenges, vulnerabilities, and particularities of different survivors’ might change in time and across contexts.

Some of the suggested edits from commentators are included above in red tracked text.

Note: A number of commentators added additional characteristics, particularities, social background elements. One concern is that it becomes too long a list and still is not inclusive. This list should be consistent with any other list around intersectionality (e.g. 3.2).

Agency, strength and survivor as primary actors/decision-makers

- “I would suggest starting with a recognition of the strength, courage and agency of survivors. In many of the cases I have been involved in, survivors have been the driving force behind the investigation and subsequent justice efforts. However, many points in this document refer to their vulnerabilities, their trauma, the need to minimize harm and provide safety, etc. While these are important points, the document should avoid perpetuating the notion that survivors are fragile individuals who require our protection.”
- “I know other women can’t come forward... Survivors need to cope with trauma and stigma. Govt isn’t doing it. I am strong because of my family support and am now working for an NGO.”

More on individuality

- “I would suggest adding something here related to the fact that we will take care of avoiding any set assumption about how a survivor should behave, look like and similar (strong, weak, interested in justice processes or not...). While this is partly covered in 8.1. I think it deserves to be explicitly mentioned, and to be done so at the very beginning because of its importance.”
- “Be aware of what might trigger a survivor. Don’t wear a uniform if uniformed men raped survivor. Don’t do interviews in official institution-like buildings.”
- “During a pandemic, documenters need to be aware that survivors are overloaded, more unemployment, more domestic violence.”
- Two areas she wants to emphasize in the Code: “Principles 1 and 3 – treating survivors as individuals is very, very important – including recognising their diverse characteristics. There needs to be more guidance on male survivors and LGBTQI+. How to deal appropriately and safely with these groups – and how to create safe access and disclosure points.”

- She also commended the references to diverse abilities and disabilities in the draft Code.
- “Need to look at survivors as individuals with unique challenges.”

Tone

- “It is suggested to review the language and tone used in the draft Code, as they could be read/interpreted as condescending (e.g. 1.1, 1.3, 2.2, 4.3, 7.3). The aim of this revision would be to align better the language and tone of the Murad Code with a victim/survivor-centered approach and in recognition of victims/survivors agency.”
- “This could be read as condescending. Suggest: “We recognize/acknowledge that each survivor is a unique individual”. Suggest to break this down. Survivors’ rights, needs, wishes and informed choices/decisions. Recognition of survivors’ different abilities, identities and intersectionalities (e.g. age, sexual orientation and gender identity, religion, etc) and respect survivors’ self identification with those, if any, including as a victim or survivor of sexual violence. Assessment together with survivors’ the potential risks of further harm for them as a result of an interaction with us. This point could perhaps be a separate point and could highlight that engagement with survivors needs to be based on a risk assessment taking into account the particularities of each individual.”
- “‘Treat’ - Why is this word chosen? - Have other words been considered, like support or empower?”

More on intersectionality

- “Make explicit reference to intersections between these characteristics and/or to intersectionality.”
- “Stress the importance of intersectional approaches and understandings, other violations against the survivors may also create barriers and needs too.”

Impact of trauma

- “Potentially include mention of past traumas, the extent of exposure to sexual violence, ways in which survivor wants to move forward.”
- “Interviewees are also individuals within the context of human physiology and psychology that have certain common aspects, cognitive development, impact of trauma and stress, limits to perception and memory, etc. Failing to acknowledge this and the duty to understand misses an opportunity. The Draft Global Code seeks to recognise survivors as individuals, but also looks at ‘the survivor’ as a homogenous group, and assumes they have the same interests in ‘justice’ (see Draft Global Code 1.1 and 1.6).”

Individual approach

- “The idea that a victim is a ‘unique individual’ may be negated or diluted by the ‘group’ approach as mentioned here above.”
- “What is the benefit of using the term ‘individualised approach’? Was the term survivor-centred approach considered? - If the term ‘individualised approach’ is going to be used, where is the definition of it and how it is different than the survivor-centred approach?”

Place - geographical or more?

- “Unless ‘place’ is also used in abstract way, I would consider using terms such as ‘context(s)’, ‘space(s)’, and/or ‘situation(s)’ that are more comprehensive.”
- “It is our concern that the Draft Global Code does not consider that survivors may not share ‘local’ contexts. This approach ignores that, for example, international law recognises victims who have different citizenship or nationality but are part of legally protected groups such as prisoners of war or protected groups under the Genocide Convention.”

Flexibility of methodology v. standardisation

- “In 1.1 in the code, this might be revised to reflect the reality that in academic research, the rules of empiricism require that the researcher use the identical instruments when conducted all observations, regardless of the participant. We recognize this item is not meant to be speaking directly to research designs, as to treat each person uniquely is, by definition, not what we can do as researchers in the strict sense. So maybe some wordsmithing to recognize the more fundamental principle of dignity and self-determination and non-discrimination, as opposed to application of research methods.”
- *[Are there elements of the draft Murad Code that you think should be added to your current policies and procedures? Explain.]* “Yes. Even though most of the elements are found in our policies and procedures, some sub elements within the core elements need to be revamped or taken seriously. These include: Tailoring our approach to an individual survivor’s rights, needs, wishes and risks, instead of generalizing our approach.”
- “However, for a truly survivor centred approach, it is crucial that we do not simply listen to and recognise that survivors may have other experiences or priorities. We must respect and, to the extent possible within our mandates and with their resources, have flexibility to act to reflect these priorities.”

Concerns of time and resources

- “I like understanding culture piece but if I am being honest, most officers don’t have time or won’t take the time to prepare for an interview as they should, this includes understanding the victims and their vulnerabilities. Something I hope we change with a culture shift.”
- “Taking empathy as a mainstreaming of all communication and dialogue scenarios with survivors.”

2.1.2 Heightened vulnerabilities:

We will take additional, specific precautions for the best interests of children (attuned to age and development) and for others who may face heightened vulnerabilities to further harm.

See earlier discussion above about strengthening and adding.

- “It is important to note that heightened vulnerabilities don’t just come from traits or being part of a group – it is also intersectional and situational – including poverty, displacement, natural disasters, disease and pandemics, etc.”

Many commentators suggested adding examples (a list) of others who may face heightened vulnerabilities in the Code - rather than leaving the impression it is just children. Survivors, and others, asked for explicit mention of the LGBTQI community - transwomen in particular, indigenous people, migrants and displaced people, mothers with children born of rape, children born of rape themselves (also recognised as survivors), people with limited or no literacy, persons with (dis)abilities.

Assessing and recognizing vulnerabilities

- “In our research on interviewing vulnerable persons we found a lot of English language practical guidance developed for officers [...] The NGO and UN materials we had from before were more concerned with listing vulnerable groups rather than explaining what it means to be vulnerable in the interviewing setting, how to assess potential vulnerability, and finally what to do when you suspect that your interviewee is vulnerable.”

- “One issue we have encountered on numerous occasions is the idea that police officers should assess vulnerability. We do not think this is sound advice because we do not trust that the majority of officers have sufficient education and training to do so. Many countries also have cultural/religious values that we consider prejudiced and anything that grants police more authority to categorize interviewees is detrimental in our opinion. The police have enough power as it is. Accordingly, we recommend that officers receive sufficient training to know when they are confronted with someone requiring an interviewing officer with specialist training. This is of course not readily available in most countries, including here in Europe, but an aspiration. If the officer chooses to proceed they should know enough to proceed with extreme caution where specialists are not available. The Murad code can certainly be of great value in this regard.”

Too broad? Or not enough?

- “This point is not clear to me. It refers to children and others who face heightened vulnerabilities. It is so broad that I think it would be hard to apply in practice. I suggest moving this point down and making it only about children. You have a related point on children in section 6.”
- “I think this could be its own category with its own specific principles.”
- “Can there be a reference to what these specific precautions are?”

On children

- “By way of one example, there are repeated references in the nature of ‘the best interests of children’ or ‘rights and best interests’. Unfortunately both misstates child rights law as I understand it. Under the terms of the Convention on the Rights of the Child, there are multiple rights of the child, which the Committee has grouped together into 4 guiding principles – only one of which is ‘best interests’. Thus that last is itself a right of the child, and not to be pulled out as if it were the only, or priority consideration. Such pulling out is a common mistake by persons not grounded in the Convention. What is more, the precise phrase is the ‘best interests of the child’, not of ‘children’, and there is a difference between the two. In the ICC OTP Policy on Children, we endeavoured to keep these precise distinctions intact. Furthermore, we detailed a 2-step approach that we hoped would ensure proper consideration of the complex of issues; that is, consideration of best interests, but subsumed within the larger array of child rights issues and, indeed, issues related to the rights of others involved, such as parents and guardians. As I read this document that is not done, to the detriment of proper understanding of the legal principles. By way of another example, although there is a recognition that each individual has both capacities and vulnerabilities, there is a tendency to think of children, and children alone, as having “heightened vulnerabilities.” This risks continuing to place children in a victim status (notwithstanding the salutary mention of victims and survivors). It would be preferable to acknowledge that all humans possess capacities and vulnerabilities, in different measure according to a particular time and context as well as to personal factors, such as age (young or old), strength, marginalized status on account of ethnicity or sexuality or gender expression or the like, pregnancy, illness, etc. Broadening out the understanding of what may give rise to vulnerabilities, and that not just children but also adults may have them at times, would seem advisable.”
- “How does the Murad Code consider guidance and issues working with child survivors as outlined on pages 91 – 103 in *Caring for Child Survivors of Sexual Abuse (2012)*?”
- “Children are not the only people with heightened vulnerabilities. Also: refer to frameworks/mechanisms geared specifically towards working with child survivors.”
- “Age appropriateness and evolving capacities?”
- “Would we need CRB clearances to conduct interviews with victims that are children?”
- “I am not sure whether it is correct to associate the concept of vulnerability with children and adolescents. According to this comment, it would be worth using another concept, perhaps the application of differential approaches to documentation, as a measure that has the vocation to

cover different people, which seems to be the objective. Finally, it is worth bearing in mind that in countries like Colombia there is already a legal and jurisprudential standard established for conducting interviews with children and adolescents.”

On persons with (dis)abilities

- “I would also suggest to include survivors with disabilities and add a couple of lines on their ability to give consent etc. (see GBV iA CM guidelines). Reference to women and girls and their higher documented risk of sexual violence?”

On LGBTQI+

- “Official places for reporting crimes are often inaccessible and unsafe for LGBTQI because might be harassed or arrested. Victims may be arrested. One can be arrested for just being trans woman. Fear of police. Will you report if there is a sodomy law? If gender non-informative, I would ask, ‘will I be safe?’ History of policing-our identities is used against when police, judges and juries. Lot of reasons LGBTQI people do not report. Mistreatment by authorities-humiliating practices-than stripped naked and then misused and placed with men-forced anal exams and used broadly- for intimidation and torture.”
- “Add ‘Giving priority to attention in the native language or language’ at the end of 1.2.”

2.1.3 Prioritising survivors:

We will continuously prioritise an individual survivor’s rights, needs, expectations, interests and wishes, ahead of our own objectives and will be guided at all times by their safety, well-being, dignity, choices/autonomy/decisions and best interests.

Some of the suggested edits from commentators are included above in red tracked text.

Importance of this commitment

- “The most important concept of the Code is the ‘Do No Harm’ concept. This concept should be the basis of any intervention with survivors. Their needs and well-being should always be prioritized regardless of our own goals.”
- “It is critical to prioritise survivor rights over institutional interests and objectives.”
- “This could be the first goal on the list.”
- “Prioritising survivor’s needs and objectives – this is really critical. She says she is already using this language to push back against institutional interests. This refutes institutional logic which works against survivor interests and needs.’

See also discussion above about ‘Do No Harm’ as a stand-alone principle or commitment.

Suggested addition words and concepts

- “It is important to stress ‘autonomy’ here.”
- “I would add in elements such as ‘voice’, ‘wishes’, ‘decision’, ‘choice’.”
- “‘rights, needs and wishes’ - What about the need to take into account and respect the expectations of survivors?”
- “Add ‘respect for their traditions and cultural practices’ between dignity and best interests.
- “Add after ‘ahead of our own’ ‘or other’.”

Tone

- “It is suggested to review the language and tone used in the draft Code, as they could be read/interpreted as condescending (e.g. 1.1, 1.3, 2.2, 4.3, 7.3). The aim of this revision would be

to align better the language and tone of the Murad Code with a victim/survivor-centered approach and in recognition of victims/survivors agency.”

- ““be guided at all times by their safety, well-being, dignity and best interests’ - Without further explanation this could be interpreted as condescending. Suggest: ‘...and will be guided by their informed choices and priorities.’”
- ““own objectives’ - The word to ‘objectives’ seems odd and quite vague in this context. Below you refer to ‘our work’. I would suggest rephrasing to something like: ‘In our activities/actions or work’ ‘or In our engagement, we will continuously prioritise’ ...”
- “It’s not a priority to talk to documenters first. We need care first. We need to invest in services first, receive support, like medical, mental support first. Documenters need to make sure that they approach a person who is in the right mind to talk. Assess if they can speak and share or are they too vulnerable?- Some people are just not ready. Do a risk assessment first. Every survivor is different-each has different ways of sharing. Some could write-exploring options for the individual. Importance of safety.”
- “Don’t press us for names-Journalists pushed us to say names of people/perpetrators and army groups. As now as the victim we are insecure (at risk). I received threats and was stigmatised as survivor. Everyone now knows my story. This is hard and feel stigmatised.”
- “Safety is big issue for survivors and families. Survivor families can also be killed for survivor speaking up. Perpetrators still all around. Death threats. Shame and stigma is second big issue. Documenters re-victimize survivor. They ask questions like why did we go there? Why did we go out late? Why not leave earlier? These are questions which make us feel guilty and responsible for what happened.”
- “Interviewers must be certain that any information released publicly is not misinterpreted and does not fuel the prejudices and stereotypes or incite public opinion against the survivor/survivor-community. For example, when the survivor community has a particular religious identity different from the community in which they reside, it should be ensured that talking about their religious identity does not make them outcasts. We believe that the Code should further develop survivors’ rights to personal security and address the risks of retaliation by armed actors (government and non-state armed groups) to whom the perpetrators are often associated with. It would be beneficial to clarify the responsibility of documenters not to put survivors at risk by such actors and the steps that they need to take (particularly within the principles of ‘preparation’ and of ‘local knowledge’).”

Connection to non-exploitation Principle 8.2 and Survivor’s Priorities Principle 1.6

- “They shouldn’t use our stories to be famous. They at first appeared motivated show problems of women in [], but when we saw the video, it looked as if journalists looked for the place where I was hurting. Stop focusing on our pain and vulnerability.”
- “Documenters from institutions take their stories and disappear and never hear from again. They take advantage of their stories for their own benefit.”

Connection to other principles

- “Seems to be missing the stated notion that interviews are to collect information with the predicate of doing no harm AND facilitating necessary post interview support by other services, whether social, medical or psychological- ref 6.5.”
- “It would be beneficial to clarify the responsibility of documenters not to put survivors at risk by such actors and the steps that they need to take (particularly within the principles of ‘preparation’ and of ‘local knowledge’).”

Conflicting public Interests

- “From a prosecutorial perspective, our big picture concern is that a number of the principles do not sufficiently recognize that there will be situations where the public interest in criminal

prosecution and accountability may be in conflict with an individual's choice or preference about prosecution or testifying. In some jurisdictions, prosecutors do not have discretion (or much discretion) to decline to prosecute serious crimes. In other cases, prosecutors might have to weigh questions of public safety or accountability against an individual survivor's desire not to testify. Prosecutors will also have to face situations where the wishes of different survivors about whether to pursue criminal justice may be in conflict. 1.3, 1.7 and 1.8 do not take into account this conflict."

- "Does not take into account potentially conflicting responsibilities of prosecutors 'public interest'."
- "For the armed forces, I do not know that we could uphold this. Our reason for being in an area of operations might prioritise response to CRSV victims lower down. Warfighting life and limb would be priority and casualty tracking. [Another person noted their agreement.]"
- "I don't think we can always be guided at all times by best interests – for the reasons already outlined above. I think 'best interests' has a specific legal definition too (particularly for children, referred to in 1.2 above)."

Other

- "Don't put yourself above the survivors. Eat and sit with survivors. Don't look at your watch and say you only have so much time. Don't use jargon and complicated words. Most survivors don't feel they can stop the documenter to say they don't understand."

2.1.4 Informed consent:

We will respect and support an individual survivor's choices. We will provide a survivor with full, clear, understandable, objective, impartial and honest information about their range of options, rights and risks, including any possible negative consequences, and about the objectives of the documentation process to allow them to make their own informed choices whether to engage with us or not, and on what terms. We will be careful not to make choices for them.

Some of the suggested edits from commentators are included above in red tracked text.

Importance of this commitment

- "Good documenters empower survivors."
- She also emphasised the importance of informed consent as the starting point of all of it – and what it must include, risks to rights to justice, limitations, alternatives and options, consequences and responsibilities.
- "The goal of all action must be the (self-)empowerment of those who have survived the nightmare of sexualised violence. The prerequisite for informed decision-making depends on being accurately informed about all rights and conceivable consequences of interviews for whatever purpose. We propose to include this question and its solution in the discussion, whereby it should be clear that appropriate information on respective rights and consequences will vary depending on the situation, country, region, culture, etc. Any new approach must ground from the very beginning in feminist principals of empowerment, participation, and the right of survivors to make their own choices. This requires the integration of decades of experiences by international and local women's organisations who work with survivors and have already developed such feminist principals with respect to national, regionals and local differences."
- "Suggest moving it up to 1.3."
- "Survivors need to be told the impact that speaking to documenters will have for them and their family first. Survivors need to understand what is the benefit for them to speak?"
- "Consent is crucial, no matter background of survivor- Even survivors in villages who don't have TV, they too must know fully and be informed. No one(survivor) ever shares everything. Survivors

need to not be pressured, and not put on spot. They must be prepared because others have used survivor stories for sensation.”

- She wanted to salute three points she thought were very important and she highly appreciated in the Code. ... “2) informed Consent – this is critical. More should be said in the Commentary on how to do this and give concrete examples of what and how. We all have a bias where we think we have got consent but we haven’t really.”
- “The concept of informed consent in the Murad Code is more complete and precise than in our usual practices. I believe that we should be inspired by the Code and take necessary time to inform the survivor with complete information as well as to present all the options available to them. Above all, we should always make sure that the survivor understands the risks he faces in getting involved in the process. This is a fundamental step that must be addressed with the survivor, but which should be more in depth and with better guidelines. Investigator’s training should focus more on risk assessment and mitigation to prevent and lessen the harm suffered by the survivor, his family, and his community.”
- *[Are there elements of the draft Murad Code that you think should be added to your current policies and procedures? Explain.]* “Yes. Even though most of the elements are found in our policies and procedures, some sub elements within the core elements need to be revamped or taken seriously. These include: Respecting and supporting an individual survivor’s choices of wanting to proceed with an investigation or not, instead of demanding to. AND accepting that justice may/may not be of importance to an individual survivor.”
- “Also, that the survivor’s choice to participate or not in an investigation should not be a determining factor to assess their credibility. The fact that a survivor does not want to cooperate with an investigation should not be considered a determining factor when assessing their credibility. It is common practice that when a survivor does not want to cooperate her credibility is questioned or she is made responsible for the outcome of an investigation. This is mala praxis.”

Right to receive neutral advice regarding human and legal rights and how they might be impacted

See discussion above about right to independent advice/victim advocates.

- “It is our concern that the interviewees are exposed to the target group of documenters, researchers and investigators without receiving adequate and independent advice. Different people from the target group, however, all have their own interests and purposes (such as political and financial interests), which will frequently not be in the best interests of survivors. Principle 5 of the Draft Global Code – ‘adding value or don’t do it’ – leaves this assessment in the hands of the target group without empowering survivors to make this assessment themselves. Independent advice, including legal advice, which serves only the client/survivor should be mandatory. This then raises the issue of available resources. It is our concern that the Draft Global Code does not address the need for people from the target group also to have legal advice. For example, the target group may be required to disclose documentation in criminal matters where they do not have professional privilege (such as that held by doctors or lawyers).”

More should be said in the Code (v. left to the Commentary)

- “The Murad Code could go deeper on information sharing and informed consent as these are two areas where entire handbooks could be written and this is where gender inequality and power differentials will largely affect the process. The Murad Code could signpost to existing guidance on these topics.”
- “We suggest to revise the elements unpacking the principles of the Code as at times these are repeated or scattered in more than one principle (e.g. informed consent, elements of it are included in 1.4 and 5.6).”

- “Informed consent: I think there is a real need to reinforce the notion as provided for in 1.4. My concern is that it may seem that informed consent is limited to the decision to engage with the investigator/documenter/XX ‘and on what terms’. I understand that ‘on what terms’ is supposed to comprise the use of the information collected, including with whom the information would be shared, how, etc. However, it is maybe worth developing the notion a bit more in order to avoid any misunderstanding. In my view, the Code gives the impression that informed consent is a ‘one packet choice’ (engaging or not engaging) rather than a process made of different ‘small consents’ for each step. I don’t know if it makes sense for you. I acknowledge that actually all the important elements are substantially already there (in particular, see points 1.5., 5.1., 5.6., 1.9; 4.7.). However, I think there is a need to underline the importance and more clearly explain the notion of informed consent under one specific point (1.4.).”
- “Added to that, my point is that these bullet points have absolutely no guidance on how to implement them. How does an organisation determine added value? There are issues with implementation around consent, storage of footage/personal data/safety etc. all the way through the document. How should they conduct the proposed actor mapping exercises etc. Should the implementation of some of these things not be considered? If we just throw a list of complex demands out there, they’ll never be met. Lack of capacity. Not lack of will.”
- “Consider: - Add in the definition of informed consent. How are power dynamics addressed in the definition of informed consent? - Is the individual here allowing the survivor to make their own choices? Have the words empower or support been considered?”
- The issue of informed consent and multiple interviews was discussed. The discussion focused on the informed consent issue in more depth as it was agreed by all that the issue of re-interviewing thus creating numerous statements is an area of practice well-known and understood by all present. The informed consent discussion was around the consent to use the information and the consent to share the information. He asked if there is an international consent form, and whether this form could be part of the Murad Code of conduct.
- “Likewise, this principle allows the materialization of the right to decide and the emancipation of the victims, granting them a clear and defined autonomy when facing judicial processes. The minimum requirements to achieve this are: (i) delivery of real information on the judicial effects of the process, as well as its possible variants; (ii) information on the type of psychosocial support within the judicial process; and, (iii) possibility of choosing the forms of participation.”
- He believes we need to strengthen the informed consent language. “Some of the wording is ‘do our best to’ and we should go further.”
- The issue of “implicit consent”: where a survivor chooses to proceed and is self-motivated, there is no paper to sign. Someone argued in Tunisia that this is implicit consent. So there are questions around genuine explicit informed consent.
- “Individuals should also be informed of the possible outcomes of non-engagement or limited engagement.”
- Methodology should be covered too, like taking photographs, recording interviews. “A section on consent for photography is missing and this should be explicitly covered. Could consider linking to a more detailed guide on photography and consent in a footnote.” “They never asked permission to take our photos or show them, and some posted them on social networks.” “Ask consent for everything: some people came into our house and start setting up video equipment and not asking for our consent first.”
- “Vital to include information on how data will be used, for what purpose and where.”
- “Partners should never share identifiable, individualized data outside of the context of referrals and without informed consent, or any data that could compromise the survivor’s confidentiality or create safety risks for their communities. I agree, I think the language on confidentiality needs to be strengthened more,”
- “The survivors need to feel empowered-give them the control. (If recording them) ask survivors if you can record them first.”

- “Let survivors tell their story themselves. Don’t keep asking questions. Let them know they don’t have to answer your questions.”
- “Documenters should know survivors feel anxiety and worry after speaking always! They will feel vulnerable and exposed after, no matter if also a relief to tell. (Some have said that documenter should tell the survivor that they will feel anxious after, but put them at ease that this is normal and that they will keep their story safe).”
- “When we meet the documenter many times, then trust will come. But we can trust them the first time if we trust the person who introduced us. Trust is not created once. First, create trust between documenter and survivor before starting interview-asking general questions and easy and make you feel free and have a connection with person and after can ask questions. Tell survivor what kind of questions will be asked, how long interview will take.”
- “Survivors are poor and without education. They don’t know who the interviewer is or who they work for. Interviewer should follow up after interview to tell her what happened.”
- “We will inform survivors about options and avoid to advise them about options. Possible integrate guiding principles here of working with survivors.”
- “In engaging with intermediaries but also explaining to victims how the process works, [we] distinguishes between [our roles], what role of intermediary, what role of survivor is, i.e., break [information,] etc. down in that way. But this is done in chronological framework, so that victims and intermediaries can understand role in chronology of process. Perhaps there is something about that approach that IICI can think of when revising Draft Murad Code. It’s a kind of checklist to the survivor.”

Withdrawal of consent and limits on consent

**See also Commitment 1.5.*

- “Most survivors don’t feel they can stop the documenter to say they don’t understand.”
- “Consent is an ongoing process, not just at the beginning.”
- “I also wonder if there is a way to underscore and explore consent more. That survivors have the right to stop the interview at any point, to leave or to skip questions. We found that giving survivors the language to use really helped them actually push back on questions. (E.g. we’ve told them, ‘You can say “I don’t want to answer that question” or “I think I’d like to leave now”’ – and then they will use that language to do just that. I dislike the word empowering, but it does seem to ‘empower’ them to pushback rather than just saying ‘you don’t have to answer any questions if you don’t want to,’ or ‘you have a right to skip questions,’ etc.)”
- “Let them know they don’t need to answer all questions.”
- “Add at end ‘and provide them space to withdraw consent and their participation at any time without retribution.’ Important to emphasize making the space for survivors to change their minds at any stage.”
- “We will inform survivors that their consent can be withdrawn at any time.”
- “I’d like to see, somewhere in the Code (perhaps here) a clear explicit right to withdraw consent at any stage in the process, including after conclusion of documentation. It does not explicitly exist in any of the other texts.”
- “Perhaps emphasize that it is ‘revokable consent’ – that even if they have given informed consent, that they can at any time, without need to provide a reason or fear any repercussions, revoke consent.”
- “‘and to change their mind at any stage if they wish’ [I do] “not think this is a productive approach, to allow them change their minds as they like. Such changes of position do not look good at the trial stage.”
- “When a judicial process is in process, the statements of the survivors to investigators and documentalists who are not part of the process, must be treated with caution since this could influence the resolution of the case. A victim cannot be compelled to take their case to court, however, when a statement is made about the commission of a crime, this could initiate criminal

proceedings ex officio. Consider the dimensions of revictimization (Rule 70 of the Rules of Procedure and Evidence of the Rome Statute).”

- “A point is made that survivors should be able to withdraw their consent any time (1.5). This is not followed through but implies that we then cease to use what has been learned. We already know that organizationally we cannot forget once we know we have a bad apple in the barrel.”
- “And third parties. Important for actors like those in Syria who are being asked to hand over witnesses to UN mechanisms.”

Tone and wording

- “It is our concern that the Draft Global Code characterises survivors as those who should be ‘treated’ in the best way possible, but does not recognise them as actors and experts and/or empower them to be/become actors and experts. For example, this is indicated by statements such as ‘we allow (sic) them to make their own informed choices’ (Draft Global Code 1.4).”
- “Does this sentence indirectly imply that there are times to make a decision for a survivor? - If yes, is it explicitly clear to the reader what kind of decisions would be made and why?”
- “Is the individual here allowing the survivor to make their own choices? Have the words empower or support been considered? [Re last sentence]”
- “Suggest to simply as there are some elements of this point that perhaps do not speak to a broad target audience (e.g. range of options, are these judicial options?). Suggest to frame this taking into consideration that practitioners should seek the informed consent from survivors to engage with them; and, to do so they must explain the purpose of that engagement (in a clear, understandable...); they must as well explain how the information shared by them with the practitioner is going to be used. All this information would allow survivors to take an informed decision. ‘survivors’ informed choices’, ‘we shall not make assumptions about their needs and interests and shall not make choices for them’.”
- “[We will be careful not to make choices for them.] It’s not clear what this means.”
- “[We will be careful not to make choices for them]” Agreed and supported.”

Importance of connection with 1.5 Reducing Pressure and Principle 2 Time and Space

- We also touched upon the importance of having proper time and full information in order for the survivor to reflect and make choices – informed consent is so badly done. There is no such thing as choice under pressure including time pressure. She used the example of a film set – they put [someone] through make-up, costume, get [them] on set and all the lighting up, and then they come with a release/waiver to sign as everyone is ready to go and camera’s honed on [them]. She said [...] so many releases [are signed] in that setting and it was always used against [people] later without recognition of those circumstances.”
- “They must provide consent, documenters need to give an elaborate consent process, they shouldn’t take photos, they should give survivors time to process, not rush them.”
- “But will offer them a range of options and information on how to pursue them should they decide to follow up later on.”

Relationship with mandatory reporting laws

- He is worried about regulations, such as mandatory reporting, and their conflict with humanitarian principles such as informed consent where there is a direct clash. “How can you manage the need for informed consent for sharing information and mandatory reporting?”

See also local laws at 3.3.

- “Mandatory reporting? Disclosure and advice about consequences when reporting to police is ‘mandated’.”

Importance of connection with 1.3 those with heightened vulnerabilities

- “Will this be the same for children or those with heightened vulnerabilities? May need mechanism to deal with those individuals separately.”
- “Shall we also add a reference to other groups for which there might be specific conditions to be taken into account for informed consent (survivors living with mental disabilities, survivors in detention, among others).”

Importance of Survivor-lead conversations, asking questions and not making assumptions

- “People make assumptions for survivors all the time – and they are usually wrong. Just ask the survivor in an open way – it’s the safest and best option. She gave the example of an abuse survivor being told she would be interviewed over zoom in a hotel room so there was more privacy. They didn’t understand that she had been abused in hotel rooms – so it caused huge fear and a reaction. They made assumptions instead of asking – and this was supposedly a highly experienced ‘crack team’ of SV investigators.” We came back to the point of “ask the survivor” and its central importance of informing your approach. “If in doubt, ask the survivor what they want. Give them the open choice (without yes or no, or selected options – especially not the choice between two bad options.”
- “A fruitful conversation is a survivor-led conversation: one to which the survivor consented and in which their choice is held and respected.”

Connection to managing expectations

- [Re Background Paper para 7(d) informed consent] “There must be a pedagogical form with a colloquial and understandable language, so that people know about what aspects informed consent must be given.” “Warn about the expectations that can be generated, eventually, it is necessary to be clear, about the reasons why the cases are being documented and above all respect the will of the victims.”
- “It is important that consent can be transmitted in a pedagogical, clear and detailed way, that survivors of sexual violence know the destination of their stories, what they are telling, what they lived, if they want it to be confidential that they do so know, in the same way, it is important to be careful with the expectations that are generated according to the actions taken by the people who document the cases.”
- [On 1.4, 1.8 and 5.1 (about clarity with the survivor on purpose and objectives)] “This perhaps can be qualified with the following condition: conversations with survivors are helpful when the aim of the interview is clear and understood by the survivors. It must be clarified that the interview is indeed for the purpose of documentation, and to manage survivor’s expectations accordingly.”
- “Provide safeguards to survivor to tell and keep them- I had written assurance that the report I made was also in confidence and not to be made public. Without all of those safeguards, I would not have filed a report.”
- “Managing the expectations and needs of complainants-often reluctant or intimidated can be difficult. There may be measures available which can protect vulnerable witnesses, even to the extent that they can avoid giving evidence in person or otherwise through electronic means-but these are not usually automatically available, and systems can vary between jurisdictions and courts. Accordingly, it is important that assurances re confidentiality and anonymity and other protections are not given too readily without certitude of applicability. Furthermore, prosecutions should not be initiated unless the prosecutor considers that there is a sustainable case-so the situation may arise that despite all endeavours to build a case, a decision is made not to prosecute as the evidence does not measure up. This can be difficult to explain to a complainant and so raising false expectations re a successful outcome should be avoided.”
- “Consider: - Will all risks be honestly communicated to the survivor?”

Disconnections caused by language, power dynamics, cultural/situational understanding

- “One concern is the level of sophistication and understanding of the survivors and those with whom one engages to truly be informed or consent. This will always be a challenge.”
- “It is important to consider the cultural belonging of the survivors, the use of the language, and in any case the understanding from their culture of the logics, methods and rites of the formal system.”
- “Add at end, ‘In the case of ethnic peoples, we will pay special attention to the development of intercultural dialogue to initiate the approach to the survivors’.”
- “Consider: - Add in the definition of informed consent. How are power dynamics addressed in the definition of informed consent?”

The burden of specific consent/sharing Information

- “Frequently I've observed that in order for investigators to 'tick the box' of consent they overwhelm the survivors with specifics that the survivor couldn't possibly understand. An example of this is when people start an interview by asking the survivor 'do you give consent for us to share with domestic mechanisms, with UN Bodies, the ICC... etc.' The same goes with sharing and storage of information. The other side of this which has happened in the Rohingya context, when most of the first wave of investigators came through the ICJ, ICC and the IIMM did not exist so in the early documentation craze, no one would have got specific consent to share the information with any of the subsequent accountability mechanisms which would be very disappointing to the survivors to learn. Particularly because these early phases of documentation is mostly about getting general statements, it is a real shame that this information cannot be shared with the actual legal processes who can use these as lead statements to identify potentially helpful witnesses, and then go and conduct their own interviews. In my experience, survivors talk to investigators usually with the expectation it is used to 'get justice' and therefore would actually feel positive about an ICC investigator contacting them two years down the track and saying 'I received your information from [x] and I thought you would be helpful, could we please conduct a longer interview so we can use your story in the ICC proceedings.’”
- “I appreciate the need for specific consent, however this language you've used I think is more likely to pass the burden onto survivors and still not necessary produce their desired outcome which may just be 'justice'. In terms of a solution, being able to remain in contact with survivors and vice versa is the most straight forward method that we use. Each new opportunity to share information we just go back and take the specific consent on that occasion, which also is positive for the survivor because they feel included in the process and get regular updates. We take a bit of a draconian view of statements verging on 'it's their intellectual property' which I'm not necessarily saying has to be adopted by all (although it certainly would be welcome), but this is what we have done to address the problem of specific consent. If teams are not in a position to set up a system like that, then I would suggest removing 'specific' consent. If you speak to the [name of two organisations] teams as well as the Rohingya community you will see that specific consent hasn't served anyone well.”

2.1.5 Reducing pressures on survivors:

*We will take positive steps to counter factors that can pressure survivors to speak with us (such as the vulnerabilities they face, **real or perceived** imbalances in status or power between us, and community influences). We will support and maximise their opportunities to make **genuine choices**, and to change their mind at any stage **about being in contact/sharing information with us** if they wish. We will avoid creating incentives or inducements for survivors, or those around them, to speak to us or others.*

Some of the suggested edits from commentators are included above in red tracked text.

The importance of tackling power imbalances

- “Unequal power dynamic between documenter and survivor- If documenter is of a higher caste than survivor, difficult to say no to interview.”
- “They took advantage of our poverty. Many survivors thought the documenter was here to help us.”
- “Most survivors don’t feel they can stop the documenter to say they don’t understand.”
- “Because of poverty we feel obligated. A survivor thinks the documenters are coming to bring a solution to their problems. She doesn’t have another avenue to express her problems.”
- She referred a lot to power, power dynamics and power differentials. She spoke about the power and control loss experienced in sexual violence (referring to Judith Herman’s quote “Trauma robs the victim of a sense of power and control over her own life; therefore, the guiding principle of recovery is to restore power and control to the survivor.”), and how power dynamics and differentials can retraumatise and harm. And why people, particularly professionals, find the transfer to control and power to survivors so challenging.
- “Survivors are poor and without education. They don’t know who the interviewer is or who they work for.”
- “The level of schooling, among others, it is important to understand that beyond differences, we are all people with equal rights, but that we must also feel empathy for those who have suffered harassment and serious damage in the context of the armed conflict, understand and listen.”

Need for further guidance (perhaps in Commentary rather than Code)

- “‘Positive steps’: How can one do this? Are these things we will find in the commentary?”
- “We consider some messages in the Code would benefit from additional clarifications, e.g. 1.5 reducing pressures; 3.3 on local laws and practices; and, 7.6 on fair and accurate representation, and, suggest their review to further unpack them.”
- “On 1.9 of the draft Code, the pressure which is put on survivors to tell their stories to the media – it’s a big issue and brings big pressure on survivors. ... The Code could go deeper into this – about the balance between documenting cases and exposure.”
- “Politicisation (utilisation by political groups) of CRSV and of survivors for purposes of groups – survivors become a tool, also where they (survivors) disclose themselves. Huge pressure on survivors.” She asked what guidance can be given around the politicisation of CRSV and its documentation. The community and broader dynamics which pressure survivors to not disclose or to disclose. How this plays into dynamics, consent and confidentiality. “It would be great to include guidance how to deal with this.”
- “The aspect of the manner in which these pressures can be reduced, need to be discussed in more details. What is the manner and extent to which certain pressures can be alleviated? There must be some basic guidelines and standards of what is acceptable actions to alleviate pressure on the victim, without those actions being construed as “incentives” for the victim to provide their testimony.”

Tone, words and language

- “Replace ‘us’ with third party language ‘the interviewer’, power between the interviewer and survivor.”
- “Consider: What is the tone/connotation of using the phrase “change their mind”?”
- “We find unclear the message the Code wants to convey. As phrased, this creates expectations that will not likely be met in many situations. How do you “counter” their vulnerabilities, community pressure? Rather than “countering” perhaps use “acknowledge the factors that make survivors reluctant to speak up and ensure that we do not create expectations that cannot be met.”

- “1.5: We will take positive steps to counter factors that can pressure survivors to speak with us could be ‘We will do our best to ensure survivors do not feel pressured to speak with us’? We will support and maximise their opportunities to make genuine choices, and to change their mind at any stage if they wish – ‘Survivors shall be given the opportunities to make genuine choices...’”

Genuine choices

- “Also change ‘genuine’ to ‘informed’ choices”
- “Consider: - Who decides if a choice is genuine? - Why does a choice need to be qualified? - What tone is created by qualifying a survivor's choice?”
- “This may be too specific, but I’ve been in a number of settings where there are a few survivors that are trotted out to speak to everyone – to media, to high level delegations, etc. Often time the survivor “consents” and is outwardly eager to speak – but they are so clearly traumatized and speak openly about the SV with everyone that it is clearly not ok. (e.g. I met one adolescent boy who had his torture on video and compulsively showed it over and over and over again to anyone who would watch.) Since the survivor “consents”, agencies/actors end up relying on and using these survivors for their own purposes – essentially exploiting the way that the mental health consequence is manifesting in that particular person. I wonder if there is a way to add protections to such situations in the Code, without infringing on a survivors right to talk and share about their experiences? May be too niche/specific. Hopefully principles 5 & 7 should address such situations.”

Withdrawal of consent/change their minds

See Principle 1.4 Withdrawal of Consent.

- “When a judicial process is in process, the statements of the survivors to investigators and documentalists who are not part of the process, must be treated with caution since this could influence the resolution of the case. A victim cannot be compelled to take their case to court, however, when a statement is made about the commission of a crime, this could initiate criminal proceedings ex officio. Consider the dimensions of revictimization (Rule 70 of the Rules of Procedure and Evidence of the Rome Statute).”
- “‘and to change their mind at any stage’ links up with revokable consent.”
- “A point is made that survivors should be able to withdraw their consent any time (1.5). This is not followed through but implies that we then cease to use what has been learned. We already know that organizationally we cannot forget once we know we have a bad apple in the barrel.”
- “And third parties. Important for actors like those in Syria who are being asked to hand over witnesses to UN mechanisms.”

Incentives to disclose

- “Point 1.5: ‘We will avoid creating incentives or inducements for survivors, or those around them, to speak to us or others.’ This is great. However, I think a stronger language is preferable (for instance: we won’t create / give any incentives - we do not create any incentive - etc). I would also consider putting this under a separate point, in light of its importance. The use of incentives (even done in very good faith) can be detrimental to the credibility of the survivor.”
- “For instance 1.5 requires avoiding creating incentives or inducements but might there be circumstances where that’s the expectation of survivors and/or part of the accepted/inherent context? (Acknowledging 3.2 might also be at play).”
- “Consider:- Does this indirectly imply that there is space for incentives for survivors? - If so, is it explicitly clear on when and how that would occur?’ ‘or those around them - Consider: - Who is this in reference to? - Who is around them?”
- “‘We will avoid creating incentives or inducements for survivors, or those around them, to speak to us or others.’ I think this might be read differently from what is intended; in my mind, an incentive could also be a positive thing, for ex, a survivor knowing that investigators will let them

share what they have been through might be an incentive to talk. So this phrase could maybe be rephrased or if it is not necessary, removed?”

- “Media interviewers must not make promises of aid, assistance nor protection that they cannot fulfil.”

Pressures not to speak

- “You mention pressures to speak, but there are also considerable pressures on survivors not to speak, and they should be recognised here too, I think.”

Connection to Principle 2 time and space, numbers etc.

- “Number of non-survivors in the interaction/interview space.”

Managing expectations

See also above Missing Content/Strengthening No.14, 1.4 informed consent points, and 8.3 Honesty and Candour.

- “1.5. I find it important to integrate also here ‘Expectations management’. I would suggest not only limiting ourselves to ‘avoid creating incentives or inducements for survivors, or those around them, to speak to us or others’, but extend it to proactively managing expectations. Even though our goals and the scope of our assistance may be clear to us, victims may have some unspoken expectations about benefiting from other services if they provide us with what we ask from them. It shall thus be taken care of the clarification that there shall be no interdependence between speaking to us and any other benefits/services provision.”
- “It is not all cases that the intervention of the community is coercive in the face of participation, for these processes of intercultural dialogue are developed that allow us to understand how diverse peoples approach this kind of crimes and how they spiritually, emotionally and psychologically accompany the survivors.”

2.1.6 Survivors’ priorities:

*We accept that ‘justice’ (however defined) **and accountability of perpetrators** may or may not be of importance to an individual survivor **at the point of contact**. We will respect this and ensure we do not negatively impact the survivor’s own priorities or their ability to advance or claim their rights.*

Some of the suggested edits from commentators are included above in red tracked text.

Importance of this commitment

Survivors repeatedly spoke of their own definition of justice and what they need or prioritize. They spoke of contending with health issues, trauma, and other situational factors, such as displacement, poverty, and the pandemic.

- “For us, justice means having our livelihood and health restored.”
- “It’s not a priority to talk to documenters first. We need care first. We need to invest in services first, receive support, like medical, mental support first. Documenters need to make sure that they approach a person who is in the right mind to talk. Assess if they can speak and share or are they too vulnerable?- Some people are just not ready. Do a risk assessment first. Every survivor is different-each has different ways of sharing. Some could write-exploring options for the individual.”

Note: This is tied to 6.5 re referrals. Also tied to 2.2 and 1.3. Close connection to 1.1, 1.3, 2.2, 4.2.

- “We know documentation is good for us, but simultaneously we have children and orphans and not like other children, no toys, need medical and relief assistance. Need small scale businesses.”
- “The Code should emphasize that survivors' goals, not organizational goals take precedent and that survivors own their data, not those who collect it.”
- [*Are there elements of the draft Murad Code that you think should be added to your current policies and procedures? Explain.*] “Yes. Even though most of the elements are found in our policies and procedures, some sub-elements within the core elements need to be revamped or taken seriously. These include:
 - Respecting and supporting an individual survivor’s choices of wanting to proceed with an investigation or not, instead of demanding to and accepting that justice may/may not be of importance to an individual survivor.
 - Non-negative inference should be made from the survivor’s choices, especially regarding their credibility. There is a tendency to interpret that delays in investigations or judicial processes are due to the survivor choice/need to participate or not in a procedure.”
- “It is important to take into consideration that survivors who intend to prosecute cases or have already initiated litigation cases should be treated differently, because their safety and integrity must be especially safeguarded and also, the objectives of the jurisdiction must be considered, the different stages and the handling of the evidentiary material. Likewise, the procedural role of the survivor must be determined so that the interview is an opportunity to strengthen her performance in the litigation and strengthen the procedural role.”
- “I do understand that first responders to a conflict situation confronting allegations of sexual violence have a range of issues to address and a criminal justice outcome may not figure highly. However, many survivors do want the perpetrators brought to justice and so how that can best be achieved should be a high priority from the outset.”

Recognition of depth of justice as defined by survivors themselves

- “I also particularly like your broad approach to describing justice and what that might mean for survivors in para 1.6.”
- “It was great that justice was defined by survivors' rather than preconceived notions of justice.”
- “We also welcome the expansive definition of justice given in background document article 26a and Clause - 1.6 the recognition that survivors may have different views on what justice means to them, if it is important at all, However, for a truly survivor centred approach, it is crucial that we do not simply listen to and recognise that survivors may have other experiences or priorities. We must respect and, to the extent possible within our mandates and with their resources, have flexibility to act to reflect these priorities. In some cases, for example, survivors may prioritise their experiences of witnessing family members killed or abducted over their experience of sexual violence for the purposes of redress, or say they do not want one form of justice but would prefer another. This is not only relevant for the interview process, but we should factor this into how we present accounts, and into decisions around the purpose for which testimony is used (i.e. what redress is sought). To this end, we should be asking survivors not only for their account of their stories, but also discussing with survivors what they see as the most appropriate solutions.”
- “Given that this code has heterogeneous audiences, it is suggested that the cooperation agencies have a flexibility clause for the projects that finance the organizations in relation to the documentation of cases involving acts of sexual violence, which, if the desire of the victims is not to document them, this activity can be modulated during the execution of the Project, likewise, there must be a prerequisite for the documentation of cases within the framework of the development of the projects that allows a prior analysis to be made that identifies the will of the victims.”
- “In respect to the language of justice used in the Code, it is important to note that justice manifests itself in different forms depending on the survivor’s perception of it. The same recognition of

'ownership' accorded to survivors' stories should be accorded to survivors' priorities in seeking what they conceive of as justice. For some it is the pursuit of legal redress, for others it is through establishing means of livelihood, seeking skills-based training, continuation of educational journey, resettlement and/or gaining economic independence. Therefore, justice cannot be limited to the legalistic mechanisms, but needs to be understood in its other plural forms. A problematic aspect when seeking justice for survivors of sexual violence in structural terms is that it is nearly impossible to render it, except if there is a well-structured institution that upholds transparency and accountability for the atrocities committed."

- "Clearly define the concept of 'justice' used in the Murad Code and acknowledge that each survivor may have different perception and understanding of 'justice'. While the Murad Code should maintain focus on documentation and investigation for different forms of justice purposes, it should clearly define the comprehensive concept of 'justice' it refers to ('justice in the courtroom'; 'reparation, inc. rehabilitation, restitution, compensation, satisfaction and guarantee of non-repetition'; 'truth telling', 'international justice', etc.). 'Justice', used as broadly as possible to include and evoke all forms of justice, such as realization of rights, truth-telling, memorialization, reparation, effective remedies, acknowledgment or awareness of crimes and violations, formal civil or criminal court processes, as well as more informal and traditional forms of justice. Justice means different things at different times to different people, including to individual survivors. The document should include explicit acknowledgment that each survivor understands 'justice' differently (not only in terms of criminal justice process and justice received in the courtroom). If the Murad Code is limited to documentation of SV for the purpose of criminal proceedings, it will not be truly survivor centered. We could explore more how we can support survivors to have various forms of justice. For example, survivors of IPV [in ...] wanted the medical certificate and x-rays of fractures to take to the community leader to show the violence was severe, to get the community leaders order for their husband to return the pigs for a bride price to their parents. Then they could leave an abusive home with community and economic support. This was justice for them. How do we try to understand what justice means for survivors in a local context, and support this?"

Going further than justice

- "Beyond talking about the concept of justice, I think it is important to talk about the will of the victim to act on the existing legal mechanisms for the protection of the victims' rights to truth, justice and comprehensive reparation in order to move towards guarantee of non-repetition as a form of transformation and reparation to the whole society."
- "I'd recommend that the duty of care, for example to facilitate access to care or support services if survivors so wish, is mentioned here."

Tone, wording and language

- "Does the word 'accept' come with an undertone of disapproval? - If justice is going to be used, can it be defined?"
- "In this regard, we also suggest deleting or rephrasing 1.6 on survivors' priorities. As drafted, it makes an assumption about the meaning of justice for victims/survivors and does not acknowledge other potential priorities victims/survivors may have. We consider that practitioners are not in a position to state what justice means or not for victims/survivors. Suggest to delete or rephrase, also considering that they may have other priorities."
- "1.6. 'Survivors' priorities'. I would suggest to consider rephrasing 'we do not negatively impact'. The reason therefore is that there are different understandings of what "negative" means for different actors involved, even for different victims. Somebody may think that it is in the survivor's interest to talk them into engaging in some justice processes, because of their well-intended beliefs this will have positive outcomes for the survivor. For them and a survivor legitimately not interested in justice, for instance, the term 'negative impact' can have opposite meanings. For

actors not sensitized about a wide array of opinions and needs of different survivors, there may be difficulties to understand what ‘negative’ means, as the detrimental effect of their (well-intended) actions may not seem obvious.”

- She noticed that we are missing the word ‘transformative’ when we speak about justice and reparations.
- “Really problematic wording. Certainly injustice is a problem for them, better to think of justice as a multidimensional concept not solely linked to accountability of perpetrators under the law--- see reparative/restorative/transformative justice literature from peacebuilding/transitional justice scholarship. Being honest with survivors about what kinds of justice interlocutors are in a position to support is vital.”

2.1.7 Avoiding compulsion:

We recognise that/will refrain from using mandatory summons or compulsion powers as they can harm survivors and can have a negative impact on justice processes and outcomes.

Some of the suggested edits from commentators are included above in red tracked text.

While acknowledging most actors do not have the power to legally compel a survivor to provide information, there are some actors within national systems who may have such powers, such as police/law enforcement, prosecutors and courts/judges. That means that this provision applies to only those who can legally compel. One commentator thought it was too specific for a universal code of conduct:

- “We consider this point is too specific for a Code of Conduct which intends to apply to a wide range of practitioners.”

Commentators were largely in favour of such a provision, noting the harm forcing a survivor to disclose can do, and how ineffective the outcome can be.

- “Not only will it have a negative impact on judicial processes and results, but also the health, integrity and dignity of the survivors of acts of sexual violence in the context of the armed conflict, therefore, all types of actions must be focused on ‘action no harm’.”

Some suggested that the wording was not strong enough:

- “‘Avoiding Compulsion’ seems like too soft of an approach. From a survivor-centered perspective, survivors should never be forced to be interviewed, testify, etc. Can it be changed from ‘recognizing that mandatory summons and compulsion powers can harm survivors’ to they never be used (law-permitting?)”
- “Line 1.7 - Do we only recognize this or do we also take positive steps to avoid compulsion?”
- “Is this sufficient- how is recognising avoiding? Needs to be clearer. This language is confusing and may be misinterpreted – suggest providing a concrete example.”

One commentator suggested that the problem does not just lay with summons or court orders, but that

- “Victims may not just feel pressure to cooperate by mandatory summons or compulsion powers, but where certain actions are taken (depending on the nature of the action) to alleviate pressure or provide some form of victim’s assistance, the victim may feel “guilty” or obligated to cooperate.”

There was some concern raised on this provision from a prosecutorial perspective. However, most investigators/prosecutors noted the consequences of compelling a witness/disclosure.

- “It does not take into account potentially conflicting responsibilities of prosecutors ‘public interest’.”
- “From a prosecutorial perspective, our big picture concern is that a number of the principles do not sufficiently recognize that there will be situations where the public interest in criminal prosecution and accountability may be in conflict with an individual’s choice or preference about prosecution or testifying. In some jurisdictions, prosecutors do not have discretion (or much discretion) to decline to prosecute serious crimes. In other cases, prosecutors might have to weigh questions of public safety or accountability against an individual survivor’s desire not to testify. Prosecutors will also have to face situations where the wishes of different survivors about whether to pursue criminal justice may be in conflict. 1.3, 1.7 and 1.8 do not take into account this conflict.”
- “If they agreed to file a complaint, testify etc. they must understand their obligations. Maybe, add a part (at least a few lines) on explaining them their obligations related to further cooperation / secrecy of proceedings etc.”

Tone and word choice

- “Consider the tone and word choice.”

Further explanation needed

- “‘compulsion’: It may be helpful to explain this in other words. Some national laws may in fact “compel” survivors to share evidence. What action could be linked to this recognition? It seems that all other bullets include a concrete action.”
- “It seems out of place here. Better in Principle 2?”
- “Mandatory reporting? Disclosure and advice about consequences when reporting to police is ‘mandated’.”

2.1.8 Conflict of interest:

We will take time to recognise, be honest and clear with ourselves and survivors when our objectives may conflict with their interests and rights, ‘wishes’/‘choices’. We will/may not proceed with our work with that survivor where our objectives are in conflict. [and will endeavour to provide information to the survivor about actors or organisations whose objectives do align with the survivor’s.]

Some of the suggested edits from commentators are included above in red tracked text.

Survivors were clear about the importance of this provision, particularly when read in conjunction with 8.3 non-exploitation, non-instrumentalising and 1.6 Survivor’s Priorities.

- “They shouldn’t use our stories to be famous. They at first appeared motivated show problems of women in [], but when we saw the video, it looked as if journalists looked for the place where I was hurting. Stop focusing on our pain and vulnerability.”
- “I noticed that some journalists know how to enrich their organisations, how to be exploitive and used our stories for their purpose. Radio took information from us to get funding and did not use it to help us, only to help themselves. They lost my confidence and trust, and we did not want to share anymore.”
- “There is a huge stigma for male survivors to report, especially in the military: shame -the stigma and obvious conflict of interest in reporting to anyone in uniform associated with a “chain of command” anywhere that can and will as it’s first priority exercise command influence protect itself are probably the biggest hurdles to getting males to report. Only communicate to your chain of command or anyone associated with the investigation in any way through your documenter and that person.”
- “Do not profit from survivors or their stories.”

- She points out that most lawyers are trained/conditioned to be on fight mode, and to get results. “They themselves are often in survival mode, and not in a space to listen to survivors. Is it institution, mandate, training or approach which creates this culture and attitude/approach to interviews?”
- “Thinking of real situations where guardians force 11 year old rape survivors to marry perpetrators for financial gain or avoiding stigma of “spoiled goods”. It regrettably happens more frequently than not.”

Further clarity or guidance needed

- “This point is not clear. Suggest rephrasing. Rather than making it a point about conflicts of interest, you may want to make it more a point about recognising and upholding survivor’s rights and interests. Below you speak about the need for ‘safe, ethical and effective outcomes’. You may also want to refer to the need to be ethical here.”
- “The same goes for 1.8 on conflict of interest. It is stated that “will not proceed where our objectives are in conflict” but there is no guidance on how to handle such situations in a proper manner. One can simply not ‘stop’ ongoing process. There is a moral obligation to help the survivors move on from the situation in which there might be a conflict of interest. Might they be advised to seek different assistance?”
- “I think this needs clarifying – does this mean we won’t proceed where our objectives are in conflict when it comes to assisting survivors or more broadly?”
- “Maybe needs emphasis that this should occur before and during any interaction. Timing is unclear.”

Countervailing public duties and mandates

Some argued that their own objectives/duties would override this principle. This seems most acute for prosecutors who argued that they should proceed in the public interest, even if it was in conflict with the survivor’s objectives and wishes.

- “Expand—how does this work where, for instance, a national soldier is implicated in SV, and that member state is responsible for the investigation—is there another body that would conduct the investigation? There will be time when objectives are in conflict but no other party is competent to proceed. This is particularly true when it comes to criminal justice. It is a conflict for the state to investigate, but no one else has jurisdiction so they must proceed.”
- “Does not take into account potentially conflicting responsibilities of prosecutors ‘public interest’.”
- “From a prosecutorial perspective, our big picture concern is that a number of the principles do not sufficiently recognize that there will be situations where the public interest in criminal prosecution and accountability may be in conflict with an individual’s choice or preference about prosecution or testifying. In some jurisdictions, prosecutors do not have discretion (or much discretion) to decline to prosecute serious crimes. In other cases, prosecutors might have to weigh questions of public safety or accountability against an individual survivor’s desire not to testify. Prosecutors will also have to face situations where the wishes of different survivors about whether to pursue criminal justice may be in conflict. 1.3, 1.7 and 1.8 do not take into account this conflict.
- We suggest adding a point on managing survivors’ expectations.”

2.1.9 Ownership:

<i>We will recognise and ensure/respect a survivor’s ownership of their own story and experience.</i>
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Some of the suggested edits from commentators are included above in red tracked text.

Importance of this provision

- “Suggest moving this point up and making it point 1.2.”
- “The code should ideally include a provision addressing the agency of a survivor in determining how their story will be used in documenting sexual violence. It is essential to do so because after sharing one’s story, they should be free to ask to withdraw their story if they so wish to.”
- Many of the survivors stressed how critical this is - how they lose control of their story once it is heard by someone and are harmed again by loss of control/powerlessness and stigmatised representation of their lived experience. This includes read-backs and other pre-publication/use reviews
 - “Give the power back to the survivor. Right have a right to control your body and life. Even speaking to others. Right to your story and to define it and who gets to know it and what happened to it after. Right to decide who gets to see the info, who it's shared with, what's attributed to who, what goes in the report. Control the flow and direction your story goes.”
 - “Questionnaire or statement should be given/read back to survivor to correct (because some documenters add things).”
 - “Want to see story before it is published or broadcasted. Documenter should show survivor before publishing.”
 - “Show me what you quote of mine before publishing.”
- She mentioned another challenge – getting prior statements, even with the survivor’s consent. NGOs refuse to provide them as if they own it.
- “In this respect, we also welcome the recognition in article 1.9 of survivors’ ownership of their own story. Where possible and appropriate, and after assessing risk, we should pursue an approach that empowers survivors and supports survivor-led advocacy. Where we do support survivor-led advocacy, we should discuss the risks with survivors and set appropriate expectations. We must also be clear what, if any, support our organisation or other organisations will be able to provide the survivor, and ideally be able to provide appropriate forms of support should survivors face negative repercussions for their advocacy. We admit this is difficult even for us in all cases, but we believe these are important standards for funded organisations, at least, to aim for. Survivors must also be informed that safe referrals for services, where available, is in no way contingent on their participation in advocacy efforts.”
- She stressed how important this is.
- “The Code should emphasize that survivors' goals, not organizational goals take precedent and that survivors own their data, not those who collect it.”

Strengthening/expansion

- “It is important to stress here that there is also a time consideration, survivors should be 'owners' of their stories not just once they share information but also for all the use of this information in the future (thus the importance of a ' process' of informed consent that continues throughout the all information sharing process and where survivors can at any time decide to interrupt the sharing of their experiences).”
- “Following on from the above, how can the survivor assert this ownership once the investigators have left the country? I feel like this provision doesn't actually give any power to the survivor unless it also gives the right to retract their story at any time and the obligation on investigators to provide the survivor with the means/procedure to do that.”
- “Consider: - Is ‘recognise’ sufficient? - If a survivor owns the story and experience, how will the survivor be involved in each aspect of that process? How is there the option, if the survivor choses to engage, offered to participate in this process?”

- “Related to this point, a suggestion: Any evidence collected should be accessible to the survivors at all times, there should be continuity/follow up of the cases and the survivors must have a copy of the evidence.”
- “What does this mean? does it mean that survivors have right to copies of records of interview? this could be problematic from a security perspective since it contains data of the interviewing team, and survivors themselves may not be aware of the risks of carrying or sharing their record of interview with others.”
- “‘Ownership’ as per 1.9: very problematic, because it’s unclear what is meant by it. Legally and otherwise problematic, in part because it’s not clear.” She suggests sourcing and using survivor quotations to help clarify what survivors mean with ‘ownership’.
- “And information they want to disclose.”
- “This is not only relevant for the interview process, but we should factor this into how we present accounts, and into decisions around the purpose for which testimony is used (i.e. what redress is sought).”
- “It is our concern that the Draft Code presumes that ‘ownership’ of documentation is given to ‘international’ documenters, and that they will decide how this data is managed. Given that the Draft Code emphasises the need for co-ordination and co-operation between target groups (Draft Global Code 4.6), and the need to prevent reduplication of documentation, we are concerned that this approach will lead to centralised documentation holdings by ‘internationals’, who will then decide what data is provided to which ‘internationals’, and whether data additional to those holdings is necessary. Both ‘international’ documenters and holders of data are never ‘neutral’ document holders, but have their own financial and political interests.”
- “This sounds great but how does that translate in practice? For example once a story is published – who owns it and does the survivor have the right to have it removed if she changes her mind later on? I think this needs some clarification.”

Connection with 1.4/1.5 Consent and Withdrawal of Consent and Confidentiality

- “Add ‘, and protect his/her privacy.’ at the end.”
- “Could possibly include mention of respecting anonymity or express willingness to share identifying information.”

2.1.10 Non-discrimination:

We will not tolerate or practice any discrimination or adverse distinction against a person on the basis of any sex characteristics, gender identity or expression, sexual orientation, race, religion, ethnicity, identity, status, attribute, belief, opinion or other impermissible ground.

Some of the suggested edits from commentators are included above in red tracked text.

- “As I raised [...], investigations at the start of the Rohingya crisis that focused exclusively on women started a chain narrative that excluded men and the LGBTI community from sexual violence discussions which also resulted in no services being made for them, and has consequently led to them being excluded from the ICJ proceedings. I would propose perhaps another clause that states ‘We recognise the influence our work has on shaping the narrative of serious international crimes and will commit to conducting this work in a non-discriminatory manner that avoids excluding survivors from this narrative based on race, gender, religion, ethnicity and sexual orientation.’”
- “All survivors should receive equal and fair treatment.”
- “What does this mean in the context of the Code – is this referring to survivors or just a general statement? It seems unclear how it fits.”

- “I understand that gender falls within ‘identity’, but it wouldn’t hurt to explicitly list gender as a basis for discrimination.”
- “Add after basis of ... ,’ delete ‘any’”
- “Remove ‘impermissible’ before ground.
- “It is suggested to change the word tolerate to, in no case, it will be allowed, nor will it be implemented.”
- “Add ‘For this reason, the approach in the native language or language is prioritized and intercultural dialogue processes are previously developed to guarantee the knowledge of the diverse practices and traditions in the face of care and support in the face of these crimes.’”
- “It takes into consideration the issue of re-victimization (their sexual preferences, way of life, sexual nature of the behaviour of the victim or witness (Rule 70 of the Rules of Procedure and Evidence of the Rome Statute: Credibility, honour or sexual availability of the victim or a witness cannot be inferred from the sexual nature of the previous or subsequent behaviour of the victim or a witness.) It seems that this matter would be included within point 1.10.”

2.2 PRINCIPLE TWO: TAKE THE TIME AND MAKE THE SPACE

- “Very practical and specific, good.”
- “The verb that must be implemented the most is ‘listen’, listen to everything the victims want to say.”
- “It may be nice to see an explicit statement about putting the survivor in the driver's seat (letting the survivor drive the process, stop at any time, etc)...using words such as choice and empowerment.”
- “On first three: Agreed but, again, there needs to be an acknowledgement/understanding of how time may affect outcomes as applied to seeking ‘justice’ (however defined).”

SUGGESTED ADDITIONAL CORE COMMITMENTS FOR PRINCIPLE TWO

More explicit provisions on trust, trust building:

- “Prefer documenters go through trusted organization than contact survivor directly. Prefer to have advance knowledge of interview. Don’t just show up at door. If trust (intermediary) then now documenter is trustworthy too and survivors can share better.”
- “Building trust: When we meet the documenter many times, then trust will come. But we can trust them the first time if we trust the person who introduced us. Trust is not created once. First, create trust between documenter and survivor before starting interview-asking general questions and easy and make you feel free and have a connection with person and after can ask questions. Tell survivor what kind of questions will be asked, how long interview will take. Fear is what stops us from speaking. You must ask what the purpose is for the documenter to speak to survivor? But if that person comes with another survivor you will be able to answer. Be patient. not good to meet and interview on same day. You can’t do an interview with someone you don’t know.”
- “Will take several meetings before survivors tell their whole experience. Not tell everything first time.”
- “When I know the org, I can open up-they value respect, confidentiality, dignity-when you know they value this, we can talk. We can’t tell all on one day-maybe only 60%, then next day maybe 80%.”
- “Survivors need a psychological and physically safe environment. Need to be able to trust the institution. If not, will be difficult to disclose. Over time, survivors can trust. They know we won’t take it and run away. We are in a healing journey together. We are there for shoulders to cry on. More stories come out as they go along.”

Stand-alone safety, stigma, revictimisation provisions:

See discussions above too.

- “Huge stigma for male survivors to report, especially in the military: shame - The stigma and obvious conflict of interest in reporting to anyone in uniform associated with a “chain of command” anywhere that can and will as its first priority exercise command influence protect itself are probably the biggest hurdles to getting males to report. Only communicate to your chain of command or anyone associated with the investigation in any way through your documenter and that person.”
- “Safety is big issue for survivors and families. Survivor families can also be killed for survivor speaking up. Perpetrators are still all around. Death threats. Shame and stigma are second big issue. Documenters re-victimize survivor. They ask questions like why did we go there? Why did we go out late? Why not leave earlier? These are questions which make us feel guilty and responsible for what happened.”

- “Our fear is shame and humiliation in our culture. If a male is raped he becomes a useless man. If I speak to the wrong person what will happen to me in the community as a leader of the family or a leader of the church? I face stigmatization.”
- “Survivors have fear of shame. Will I be believed? What will happen to me? What will people think of me? A survivor doesn’t expect anyone to give him respect. He expects to be asked, why didn’t you fight?”
- “Fear of reporting-fear of family-families reject you or cast you out- families fear retaliation against them if known by community-lost employment opportunities.”
- “Add ‘**Avoiding re-interviews:** We will reduce the unnecessary re-interviewing to avoid potential secondary victimisation and over exposure.’” *See Principle 5.

2.2.1 Time and space as essential:

We recognise that sufficient time and the right space are critical elements for a safe, ethical and effective engagement with a survivor, and will endeavour to ensure them.

Some of the suggested edits from commentators are included above in red tracked text.

Importance of this commitment

Survivors spoke of many experiences in documenting where the person engaging them had not dedicated time and attention to the interview. They had not taken the time to consider what the survivor wanted or needed, or what might trigger them - recurring issues that places, people, situations triggered them. It should be part of their responsibility and commitment to the survivor.

- “Survivors need a psychological and physically safe environment. Need to be able to trust the institution. If not, will be difficult to disclose. Over time, survivors can trust. They know we won’t take it and run away. We are in a healing journey together. We are there for shoulders to cry on. More stories come out as they go along.”
- “The type of person I can open up to is someone who can listen to me, who gives me time, who comforts me, and who consoles me.”
- “These are important considerations also for the safety of family/community members and or case workers.”
- “Media must respect personal space and privacy in all situations - in the field and in the studio.”

Too subjective

- “‘sufficient time and right space’ – This is a very subjective approach, open to a wide interpretation, especially under the varying circumstances in which the documentation and investigation activities are conducted.”
- “Who could argue this but my experience is that many believe that sufficient time is some lengthy rapport building - that is a false assumption. The term ‘sufficient’ can, therefore, be a dangerous concept that leads to ineffective information gathering and engaging in relations that may complicate post-interview services by other professionals.”

Drivers of bad practice - time and resource constraints

While most commentators recognised the importance of this provision, they also noted certain sectors or actors who act under time or resource constraints - urgent deadlines, prevention/mitigation advocacy in response to ongoing atrocities, mission trips, etc.

- “We are also under pressure to do everything in one mission. One journalistic principle is to minimize harm. [Our] reports not written overnight, but for journalists, yes. Work more/better through local partners seems key, BUT we don’t have local partners sometimes, especially in early stages of conflict.”

- “Perhaps a caveat ‘as far as the prevailing circumstances permit’? Although the caveat should not be used to excuse or justify actions that do not place the victim’s needs first.”
- “Consider: - What is the definition of ‘space’? - Is the definition inclusive, and not limited to, physical space, mental space, and emotional space? Consider: - Does that imply that there will only be one engagement with a survivor?”
- Generally, she has seen how practitioners drop standards and best practices when they are under pressure to produce evidence, to do so quickly, etc.

2.2.2 Recovery first:

We recognise that an individual survivor’s recovery/healing process takes priority, and that survivors should not be pressured or induced to disclose any experience or event until they are ready to do so.

Some of the suggested edits from commentators are included above in red tracked text.

Importance of this provision (and connection with 1.3 Prioritising Survivors)

Many of the survivors consulted spoke to this point - illustrative examples are shared below.

- “It’s not a priority to talk to documenters first. We need care first. We need to invest in services first, receive support, like medical, mental support first. Documenters need to make sure that they approach a person who is in the right mind to talk. Assess if they can speak and share or are they too vulnerable?- Some people are just not ready. Do a risk assessment first. Every survivor is different-each has different ways of sharing. Some could write-exploring options for the individual.”
- “Get treatment first.”
- “From start of documentation, survivor should get medical, psychological care.”
- “Best if survivors speak to other survivors, join survivor organization/group before speaking to documenters. Better if they get help before speaking to documenter.”
- “Best if survivors speak to other survivors before reporting. Best if she knows of resources. Think about how she wants to tell her story. Survivors need to psychologically prepare themselves to tell. (Many survivors said they don’t want to be surprised by questions. They need to psychologically prepare themselves before they talk about the sexual violence).”
- “It’s significant to share with peers, but important to also speak to documenters, but better to share with peers before.”
- “The best way to get people to talk is to expose them to other survivors and to hear their experiences. Everyone says it’s important to find other survivors to speak with, but also before speaking to documenters and documenters should encourage it for survivors if they have not found support yet.”
- “It’s important to join a support group. I am more motivated to share when with others who experienced the same. It reduces depression and trauma. We understand each other.”
- “As a man, you feel outside society, feel alone. You are a victim. When you start to break the silence, you become a survivor. Then when start sharing with other survivors, you shift to becoming an activist. This is how you move through it.”
- *[Are there elements of the draft Murad Code that you think should be added to your current policies and procedures? Explain.]* Yes. Even though most of the elements are found in our policies and procedures, some sub elements within the core elements need to be revamped or taken seriously. These include:
 - Recovery first
- One survivor quoted Judith Herman’s work, “Recovery unfolds in three stages. The central task of the first stage is the establishment of safety. The central task of the second stage is remembrance and mourning. The central focus of the third stage is reconnection with ordinary life.”

Clarity/phrasing/tone

- “It is suggested to review the language and tone used in the draft Code, as they could be read/interpreted as condescending (e.g. 1.1, 1.3, 2.2, 4.3, 7.3). The aim of this revision would be to align better the language and tone of the Murad Code with a victim/survivor-centered approach and in recognition of victims/survivors’ agency.”
- “I think this point is oddly phrased. For some survivors, telling their story and being heard will be part of their recovery. Suggest rephrasing this point.”
- “Consider: - Where is the definition of experience? - Can experience be more inclusive – to include, but not limited to – data, information, and knowledge?”

“Recovery”

- “Replace ‘recovery’ with ‘healing’.”
- “Consider: - What is implied by using the word recover? - Where is the definition of recover? - Who defines recover?”

“Ready” and who decides that

- “I agree with this statement but it is complicated by: 1) survivors may not have access to useful services, 2) recovery is a broad concept – how does anyone know when a survivor has recovered; and 3) it is important to avoid being paternalistic and depriving someone of the opportunity to speak even when they have not had access to services if that is really something they want to do. However I agree that it is important to be cautious and to recognize trauma and safety issues which can be difficult for someone without experience.”
- “If it is a survivor-centered approach, shouldn’t it be the prerogative of the survivor to determine what constitutes a priority? You might have a fully competent and capable survivor determine that prosecution of the perpetrator is more important than the personal recovery.”
- “Also unclear who would then be in a position to determine the readiness of a survivor. Replace ‘until they are ready’ with ‘if they do not wish’.”
- “Para 2.2 - I note that the intention is that you will only speak to survivors when they are ready, and I assume you're referring here to psychological readiness. It's worth bearing in mind that it's entirely possible, and well documented, that survivors may not know when they are ready in the psychological sense (within the context of recovery), and many talk about experiences too soon - which puts their recovery back. Conversely, if someone is excluded from interview because they are not deemed sufficiently mentally robust, this may also have negative therapeutic implications for the survivor, particularly where they are very keen to speak out. It's obviously a tough one to judge, and the documenter may not have someone on hand to assess psychological readiness (I understand the ICC's OTP, for example, uses a psychologist prior to interviewing victims/witnesses), but it also highlights the importance of the referrals mapping that you propose in 4.5.”
- “‘until they are ready to do so’ I think this portion can be omitted.”
- “Consider: - Does this imply that there is a time/place that a survivor might speak about an experience? - Does this provide the possibility that a survivor may never be ready?- Who decides when the survivor is ready?”

Strengthening

- “Insufficiency of mention to priority of access to medical and mental health care. We are of the view that the Code does not sufficiently mention the fact that medical and psychological needs of survivors (‘recovery first’) are the priority. It also does not mention the work done by medical practitioners, linked to the specific duty to respect victims’ consent in any sharing of medical information, and to safely store any information collected (right to privacy).”

- “Stronger emphasis on timely access to quality healthcare services (‘recovery first’): Access to care and recovery of the survivors should be guaranteed and safeguarded before criminal procedure and collection of testimonies for other purposes are employed. As a [humanitarian] organization, we strongly urge all actors to ensure that survivors have both timely access to quality healthcare and opportunity to seek protection and criminal justice mechanisms. The departure point should be immediate referral to adequate medical care and psychosocial support for the survivors, as well as possibility of referral to follow up medical and psychosocial services; While we acknowledge that there is often a limited availability of adequate healthcare services, stakeholders should first identify proper medical and psychosocial referrals before directly engaging with survivors. The Murad Code could clarify that access to immediate medical care after sexual assault is critical in order to limit the potential consequences. For example, survivors of rape receive post-exposure prophylaxis within 72 hours to prevent HIV in case of exposure; prompt emergency contraception received promptly is most effective; safe abortion care; antibiotics prevent sexually transmitted infections such as syphilis and gonorrhea, vaccinations for tetanus and hepatitis B; psychosocial support and treatment of physical injuries. It is crucial that provision of care is comprehensive, complete and of quality, based on survivor-centered principles. Unfortunately, in many places, incomplete packages are provided, and healthcare workers have harmful attitudes towards the survivor.”
- “Psycho-social support before, during and after.”
- “Psychosocial and care measures must be taken into account to advance towards individual and collective reparation processes, respecting above all the will of the victims. Repair and non-repetition.”
- “Consider: - Is ‘recognizing’ sufficient?”

Feedback from some prosecutors

- “Prosecutors may not always be able wait until all survivors ‘are ready’ and let them tell the story ‘at the pace they wish’. This can be especially problematic in light of statutory or court-imposed deadlines, or where fair trial rights are implicated.”

2.2.3 Reducing time pressures

We will seek to remove time pressures and constraints to support/promote voluntary and informed decision-making, reduce pressure on survivors and allow them to tell their story in the way and at the pace they wish.

Some of the suggested edits from commentators are included above in red tracked text.

- “Be patient. It’s not good to meet and interview on same day. You can’t do an interview with someone you don’t know.”
- “Don’t put yourself above the survivors. Don’t look at your watch and say you only have so much time.”
- “The time to carry out the interview must be agreed in advance with the survivors, considering the distances, their tasks and care responsibilities, especially of women.”
- “‘voluntary decision-making’ Consider: -How does this word qualify decision-making?”
- “‘allow them’ Consider:- Why is this word chosen? - What kind of tone is that setting?”
- “Media may be ‘on deadline’ but must refrain from pressurizing survivors to adhere to time pressures.”
- “Include, ‘Can stop at any time?’”

- “We would advise to give examples of ways to do that, including providing for child-care services, transport, logistics for supportive family/friends etc. to provide moral support to the survivor during the engagement (be it part of the point itself or in a footnote).”
- “They must provide consent, documenters need to give an elaborate consent process, they shouldn’t take photos, they should give survivors time to process, not rush them.”
- “Suggest using more balanced language – time could be of the essence to obtain a survivor’s ‘story’. Suggest to use different word than ‘story’.”

2.2.4 Supportive environment

We will create an emotionally trustworthy/supportive and physically safe environment as a fundamental foundation for disclosure and decision-making by survivors.

Some of the suggested edits from commentators are included above in red tracked text.

Survivors also spoke at length about this issue. They also were clear that they needed the person’s undivided attention (not behind a computer screen, on their phone or looking at their watch) and some humanity/empathy/care/compassion - rather than being very detached and business-like. Documenters should be mentally prepared and also be in the right mental space to listen and respond appropriately. Trust, confidentiality, respect, empathy. It’s about how you communicate, what you ask, how you respond.

- “When survivors cry, documenters need to be able to empathise and respond properly. If not, they add to the pain of the survivor.”
- “If you are detached and businesslike, hiding behind a computer screen, doesn’t make a survivor want to talk. Need documenter to be engaged and compassionate.”
- “If documenter sends me someplace else to tell my story, accompany me there. Provide support to me.”
- “Helps to offer survivors food, drink, psychological counselling, and take time.”
- “Documenters should know survivors feel anxiety and worry after speaking always! They will feel vulnerable and exposed after, no matter if also a relief to tell.”
- Some said that documenter should tell the survivor that they will feel anxious after, but put them at ease that this is normal and that they will keep their story safe.
- “Documenters need to prepare themselves. They will hear things they might not think imaginable or possible. They must not respond with shock.”
- “Don’t put yourself above the survivors. Eat and sit with survivors. Don’t look at your watch and say you only have so much time. Don’t use jargon and complicated words. Most survivors don’t feel they can stop the documenter to say they don’t understand.”
- “Give person opportunity to relax between questions. Need to relax and even insert a joke between questions.”
- “Survivors need a psychological and physically safe environment. Need to be able to trust the institution. If not, will be difficult to disclose. Over time, survivors can trust. They know we won’t take it and run away. We are in a healing journey together. We are there for shoulders to cry on. More stories come out as they go along.”
- “Survivors have a fear of shame. Will I be believed? What will happen to me? What will people think of me? A survivor doesn’t expect anyone to give him respect. He expects to be asked, why didn’t you fight?”

Survivors also warned of triggers from uniforms, government buildings, types of offices (and other things specific to survivors but not necessarily obvious without asking them) - all of which could remind them of what happened. And of safety/security risks of official buildings/criminalization, etc.

- “Official places for reporting crimes are often inaccessible and unsafe for LGBTQI because might be harassed or arrested. Victims may be arrested. One can be arrested for just being trans woman. Fear of police. Will you report if there is a sodomy law? If gender non-informative, I would ask, ‘will I be safe?’ History of policing-our identities is used against when police, judges and juries. Lot of reasons LGBTQI people do not report. Mistreatment by authorities-humiliating practices-than stripped naked and then misused and placed with men-forced anal exams and used broadly- for intimidation and torture.”
- “Don’t interview survivors in large official soviet style office with a big table -that’s where we were interrogated when tortured. Best in informal setting like where you’d have a conversation.’

Critical to add asking survivor what they need or want

- “On 2.4 and 2.5 - Totally agree. Since in conflict zones people often live in camps it might be worth stating that a tent may not be an appropriate space as it can attract attention. Then again, some survivors might feel more comfortable in a tent so they really need to be given options.”

Adding additional environmental elements

- “Consider: - Are these the only two types of environments to consider? - What about social environment, mental environment...?”
- “Do we also aim to create a supportive environment in other ways? Or just with regards to safety?”
- “Cultural and legal, that guarantees their personal integrity and that of their environment. Add ‘cultural’.”
- “Provide warm environment”.

Further guidance needed

- “It would be helpful to give examples of what makes an environment safe (for example to reference to confidentiality)”
- “2.4 and 2.5 merge? Also, critical that operational guidance around these are developed, e.g having a space used exclusively for sexual violence interviews can have both negative and positive impacts. Guidance on how to ensure such spaces are not ID as spaces for survivors of GBV needed. As this can be understood differently across contexts, so important to set out to ensure minimum standard.”
- “When interviewing, make sure to put them at ease to discuss any taboo topics, drugs, anything outside the norms. Let them know they don’t need to answer all questions. Interviewers need to know local language and be careful with language used so don’t alienate them. Better to ask the gender of who they have sex with instead of asking them if they are gay.”
- “Media must not push recording equipment into the survivor’s personal space in any physical circumstance.”

Adding provision in for children

- “Finally, when addressing supportive environments under principle 2.4, it would be suggested to include recommendations for child-sensitive interviewing environments.”
- “Here, it may be important to highlight that the environment should also be ‘age-appropriate’ to recognize the unique needs of survivors across the life cycle, including children, adolescents, adults, and older people. It would be good to further highlight ‘trust building’ and transparency. There should be some more information on what a supportive environment would include.”
- “Point 2.4: the supportive environment should be specifically adapted to children (when the interviewed survivor is a child).”

Other

- “We will try but we cannot assure this.”

2.2.5 Right to privacy:

We will select a private, discrete, safe interview space (in consultation with the survivor whenever possible) and minimise the risk of being observed (including when arriving or leaving the interview space), overheard or interrupted.

Some of the suggested edits from commentators are included above in red tracked text, including in the heading of the commitment.

There were some suggestions to merge this with Commitment 2.4.

More survivor-centred

- “Wording excludes survivor.”
- “Consider: - How does this support the wishes of the survivor? - What if the space is not the preference of the survivor? - How is there the option, if the survivor chooses to engage, offered to participate in this process of defining privacy?”
- “Consider: - Is the goal only to minimise the risk?- Does the phrasing allow for being observed, overhead, or interrupted? What safeguards are put into place?- How is there the option, if the survivor chooses to engage, offered to participate in this process to determining what is risk?”
- “Remove ‘whenever possible’.”
- She added two elements to the discussion, the first was in relation to the importance of selecting a location for a witness/survivor interview that is familiar to the survivor and easily accessible for them. She shared experiences where she had visited small villages prior to meeting with survivors in order to have a better understanding of the environment. She also expressed that she is aware of situations where Internationals have selected locations for interviews that caused financial and emotional stress for survivors and was a barrier for many.

Explicitly connected to confidentiality

- “The term ‘privacy’ should perhaps not only entail a private space. It can also entail protecting the survivor’s records and revealing information only to concerned individual(s).”
- “Take into consideration also adding the regulation on the use of images.”
- “Do not assume family members know about the sexual violence. Don’t speak to survivor in front of family. Confidentiality and also embarrassing.”
- “Give survivors confidentiality and privacy.”

Explicitly link to safety

- “Can we link more the element of privacy to safety of survivors and their families/communities?”
- “Survivors [in ...] need to speak to documenters outside their territory. They can’t be visible.”
- “Media in the field should not interview survivors in a manner that will compromise their identity, location nor family members. Media should not interview survivors in proximity to potential sources of danger, nor in a situation where their experiences can be overheard.”

Further guidance or clarity

- “What is a discrete interview space? Suggest rewording.”
- “And what happens when such a space is not available?”
- “Reducing Numbers...is a very big challenge in our setting as most units don’t have a private place to take statements and Investigators don’t seem to understand that taking statements from underneath a tree or a secluded place can be appropriate instead of inside an office full of people.”

- “Privacy and confidentiality are really tough. A lot of the environments where you’re doing the work are tented, for example refugee camps or IDP camps, or where big families are living in small spaces, so it can be tough to find a place to do the interview without massively inconveniencing the interviewee and drawing attention by getting in a car, etc. I think that’s one of the hardest aspects of the code to actually comply with. Often it’s not really possible to plan in advance, or know what the circumstances will be like before we get on the ground.”
- “Don’t interview us in our own tents. Not comfortable. We need private space without others or our children around.”
- “Media must not interview survivors in full view of other individuals. If in a hospital setting they must respect other survivors’ privacy.”

Cover remote interviews as well

- “We understand that the Code assumes that engagement with the victim/survivor is in person. However, beyond the Covid pandemic, there are situations where the conditions to have in-person contact is simply impossible. This is a reality. Suggest to include a point related to remote engagement, with risk assessments and protection measures are even more important.”

2.2.6 Reducing numbers:

We will reduce the number of people present during an interview to the minimum necessary and, as far as we can, respect a survivor’s informed choice on who is there (including their gender, affiliation or other factors). This includes whether a support person is present. If we cannot honour the survivor’s choice, we will have an honest conversation with them about the reasons and will respect their choice if they decide not to proceed.

Survivor’s right to choose who is present, including gender, age, etc.

- “A survivor has right to choose gender of documenter to speak to.”
- “Need to ask survivor if they prefer to talk to man or woman documenter. Some afraid to talk to men and some might not talk in front of male.”
- “In the 2.6 point, it would be appropriate to add a specification of the right of the survivor to be informed ahead of time regarding who will take part in the interviewing process (their numbers, their function/why they are there, and their gender).
- “Other important points are all included: such as the risk of secondary victimization (8.7) and taking into account the sex of the interviewer (it is better not to have female victims of sexual violence interviewed by men (6.1).”
- “Documenter should be age appropriate. I don’t want documenter to be same age as my children. (This can be under a heading of selection of documenter/knowning subject, but many different survivors commented about not liking to speak to young documenters who have no life experience and look like the same age as their children).”
- “I think rather than viewing it as ‘reducing numbers’, it should be viewed as having the minimum number of necessary people present based on the survivor’s wants and needs and on the setting of the interaction.”
- “Consider - How is the survivor involved in the process of determining what is a minimum?”
- “Consider - Can there be references to be explicit about reasons why one could not?”

Support person

- “We will respect a survivor’s wish to have a support person(s) present.”
- “Survivor should have another survivor with me, because she can tell them to stop the interview.”
- “Survivor has right to have support of another survivor or support in interview. Sometimes meeting for first time and might not be able to open up.”

- “Essential to work through trusted local orgs. Won’t have access and trust otherwise. Best if documenter is also LGBTI or from the group/org. Or have someone present with survivor who is LGBTI.”
- “The reference to a support person - This could perhaps be best placed in point 2.4 on creating a safe environment.”
- “This support person is proposed to be a family member or close relative, but also includes the interpreter and / or translator.”
- “Please rephrase (re sentence on support person).”
- “Survivors with high vulnerabilities may have specific needs in terms of support persons, especially children (the presence of a legal representative, for instance, is mandatory by law in certain contexts).”
- “Regarding the presence of a support person, I wonder if there could be a risk that a spouse or child might be reluctant to share some particularly difficult information in the presence of a family member, and if that should be taken into account here? At least in criminal cases involving children, the presence of parents or other close support persons might be problematic for various reasons: younger children may expect their parents to tell instead of telling themselves (and parents can have a hard time refraining from doing just this and might accidentally be quite leading in their interactions with the child), it is often easier to create a good rapport with the child without parents, and older children and adolescents may leave out information of concern for their parent or to avoid being sanctioned or for similar reasons. Based on this, I would recommend not to have family members present as support persons when interviewing children. But of course, my context of experience is investigations of sexual and physical abuse in national criminal settings and I realize this may be different in the international context. In a national context, I would certainly recommend as few persons as possible, preferably only interviewer and interviewee (and interpreter).”
- “In my practice, the presence of a support person while the survivor is giving his statement is prohibited. The support person will have to wait in another room and will not be able to support the survivor during the interview. It’s the same when we are conducting interviews of young children on videotape, the presence of the non-abusive parent or support person is allowed at last resort only.”
- “Interviews by international, state or private investigators should in principle only be conducted in the presence of legal representation of the survivors, which must be guaranteed accordingly in terms of funding and personnel. In general, the right to legal representation should be made mandatory for all legal proceedings. Interviews in other than the legal context should be conducted in the presence of a person of trust – like, for example, therapists or adults in case of minors – if the survivor so wishes.”

Interpreters

- “Selection of interpreter important. Documenter should give choice for another interpreter if survivor not like them.”
- “Trusted translator.”
- “Special consideration should be given here to the role of interpreters (often due to the circumstances, interpreters are scarce; the gender, political, social and cultural affiliation of the interpreter and the impact thereof on the victim is often overlooked.”

Other

- “It may be useful to include guidance to ‘reduce the number of interviews by avoiding having a survivor repeat their story to multiple documenters.’ This is highlighted in 5.7 but may be useful to reinforce here.”
- “Consider: - Does this imply that every organization had the wrong number of people present - Who decides the number of people that is minimum?”

- “Media must use a minimal technical crew, minimal 'onlookers' and make female technicians available where possible.”

2.2.7 Continuity:

Whenever possible, we will seek to maintain continuity of persons communicating with survivors, to maintain trust and comfort levels, and to minimise risks that may flow from a change in personnel.

Additional guidance

- “Consider: - Are there reasons that are acceptable to change? - Are there reasons that are not acceptable?”
- “But at the same time be ready for a change of team if so is the survivor’s wish.”
- “Suggest to revise how feasible this is for all the actors included as target audience.”
- “In an international context, the most difficult part of our work is continuity and follow-up with survivors since investigation teams change and survivors remain. It’s not always possible or safe to refer survivors to local NGO. That’s why it’s fundamental to have a network for supporting survivors ready prior to engaging in any contact with them.] *Note: Connected to follow-up 4.7*
- “Being consistent – [people] come and disappear and don’t stay in contact and then come back - need to be consistent and stay connected. Documenters need to be listeners and not questioners- every story is unique and you haven’t heard it all. Each time I come across something I haven’t heard before.” *Note: Connected to follow-up 4.7.*
- “Media should keep in close contact with survivor's representatives.” *Note: Connected to follow-up 4.7*

2.2.8 Safety and quality, over quantity:

We recognise that often there is an unnecessary and harmful emphasis on the quantity of survivor interviews over quality, and the safety and well-being of all involved. We will prioritise providing a safe, supportive environment and the quality of the interaction.

Importance of this point

- “She wanted to salute three points she thought were very important and she highly appreciated in the Code. 1) Quality over quantity- thank you! This should be flagged up for all donors.”
- “Let’s Hurry Slowly. Sometimes documenters set targets on how many people to interview, etc. However, one interview can take you a whole day. People come to the ground and have a target to reach-need to build trust. If you want to do this work properly, numbers won’t be high.”
- “I know this would not go here (5.4), but we should seek to incorporate into our donor grant agreements and undertaking that the donor will not make funding conditional on a certain number of interviews, etc.”
- “Perhaps this could be moved up as it is a general point. The rest of the points could be read as explaining what to do to achieve quality over quantity.”
- When she was in eastern DRC, she was always surprised about how everyone focused on numbers, numbers of interviews, etc. Wrong incentives. Also lack of coordination, lack of effort to avoid re-engagement with survivors.

Clarity

- “It is not clear what you mean by unnecessary and harmful emphasis. By whom? In what context? I would suggest rephrasing the point to make it a positive statement about prioritising the quality of the interaction. Below you speak about the need for ‘safe, ethical and effective outcomes’. Alternatively, you could replace this point with point 5.5.”
- “What is an ‘unnecessary and harmful emphasis on numbers’? and who determines that?”

- “‘Quantity of survivor interviews over quality’ - Maybe it’s me but due to grammar this reads like it implies some survivors are of poor quality? Also tweaked for grammar it could be read like there are poor quality survivors, perhaps: ‘We recognise that often there is an unnecessary and harmful emphasis on the quantity of survivor interviews above the safety and well-being of all involved’.”
- “Under point 2.8 ‘Safety and Quality over Quantity’, it would be good to stress the importance of coordination and cooperation (point 4.6) with other actors and institutions that might have or will interview survivors, in to minimize the number of times a victim/survivor has to relay her story, and thereby reduce secondary victimization.”
- “Point 2.8: recording the interview is a way to prevent the multiplication of interviews (as per international standards on child interviewing).”
- Some commentators read this as specifically relating to reducing the number of interviews of each survivor - repeat interviews, rather than about the length of the interview and an emphasize on the number of survivors interviewed.

Not enough emphasis on safety

- “I also think that safety is not being given enough prominence. For me safety should not be grouped with the quality of the interaction – it is its own issue. Safety should be a significant priority. From a safe environment to the long-term safety and consideration of repercussions (see next comment). The quality of the interaction such as a supportive, respectful environment etc. is a separate (also important) issue. Safety and quality should be split as they are the ones people struggle with most (I’m thinking of small NGOs and journalists especially).”
- “Media must be aware of the potential personal dangers for an interviewee both in the field and later in an ostensibly ‘safe’ studio setting.”

Pushback around numbers strengthening evidence/credibility

- “All this makes sense BUT: [Our organisation] is always pushing numbers – we can’t make this claim if you’ve only interviewed 3 people, broad generalization which may or may not be true, but if you’ve interviewed 75 people then you are on much stronger ground. Making claims like crimes against humanity etc. requires more interviews. The way other people/organizations do the research is not always suitable for us to draw human rights conclusions, or speak to. Challenge is the tension – do as many as possible prove a pattern for the greater good for exposing and remedy abuse and the person in front of you. If you don’t do enough interviews you’re wasting the time of the person you DO interview?”
- “From a data collection perspective, it will be important to differentiate the research partner/actor and the moment of the process in which the data is collected. The possibility of data comparison could depend on it. Of course, principle 2.8 ‘safety and quality over quantity’ is fundamental, but for methodological purposes it will be important to have a check on it.”

2.3 PRINCIPLE THREE: LOCAL KNOWLEDGE AND UNDERSTANDING

- “If the Code is intended to apply to practitioners working in their local contexts, we suggest consider reviewing all the elements contained in this principle. The impression reading the Code and not only this section is that the focus is on international actors.”
- “It is our concern that the Draft Global Code assumes that the ‘target group’ undertaking documentation are ‘internationals’, with resources, skills, and power. It assumes that ‘victims’ are ‘locals’ without resources or skills, who do not themselves undertake documentation. This framing does not recognise that survivors may be activists, or that ‘local’ actors, activists, and professionals may themselves want to undertake documentation for important reasons such as future prosecutions, advocacy to make such crimes visible, or peace-building activities. The Draft Global Code’s approach does not recognise or build local ownership, engagement, or capacities. Equally importantly, by seeing survivors only as ‘locals’, the Draft Global Code ignores that they are also part of the international community.”

“Local”

- “Noting differences between local/community-level and national level, so even if you share nationality, doesn’t mean you have the same experience or understanding.” [A point made by Colombian survivors, where many different indigenous groups experienced violence.]
- “Consider: - How is ‘local’ defined? - Who is ‘local’? - Who decides what is a good understanding? - Does this language imply a hierarchal level to a local context via a global context? - Does this imply that the ‘we’ is ‘always an international’ and the ‘local’ is not included in the ‘we’?”

Note: These questions on the use of the term ‘local’ apply to each time the word ‘local’ and ‘we’ are used in the document.

- “It is our concern that the Draft Global Code does not consider that survivors may not share ‘local’ contexts. This approach ignores that, for example, international law recognises victims who have different citizenship or nationality but are part of legally protected groups such as prisoners of war or protected groups under the Genocide Convention.”

Importance of this principle

This was stressed by many of the survivors:

- “You have to tell your story to inform the world. It’s hard to talk to someone who doesn’t know war, who doesn’t know violence, who doesn’t know children born from violence. It’s exhausting to teach others.”
- “Very good unpacking of this principle.”
- She said that as part of understanding benefits and valued added - there might be an actor mapping done – “you have to know who is doing what - otherwise how can you know you are adding value or meeting a need. It is part of the preparation – understand the conflict, ethnic dimensions, gender dynamics. Understands the geography, culture and expressions. Situate your work within this and within the work already being done. Articulate the concrete, objective value of your work to the survivor and the community. Get someone else to judge that – objectively.”

Additional points suggested for this principle

- “No mention of ensuring local actors are aware of the Code.”
- She also mentioned cohabiting perpetrators – “where perpetrators still live in the vicinity of survivors. And also the traditional aspects and dynamics in communities which requires local understanding and sensitivities – perhaps these issues could be stressed even more 1-8.”
- She asked what guidance can be given around the politicisation of CRSV and its documentation. “The community and broader dynamics which pressure survivors to not disclose or to disclose.”

How this plays into dynamics, consent and confidentiality. It would be great to include guidance how to deal with this.”

- “Also, it is important to consider (under Principle 3. Local Knowledge and Understanding) the survivor’s point of view to have a complete understanding about their context. It is not enough to be familiarised with local laws, actors and local social attitudes and dynamics. In contexts where sexual violence is committed in private or by perpetrators who are known or related to the survivor, even survivor’s family and community may not have information. In other contexts, they may be aware, but they choose to remain quiet or cover it up, especially where perpetrators are in a position of power and control (e.g. members of state military or armed groups, or community members still living in the area). Considering these issues is essential for ensuring the survivors’ right to effective protection and the principle of doing no harm.”
- “The reference to the use of local actors (intermediaries and interpreters) is good, but I think needs supplementing to recognise the challenges and dangers this also has when working with survivors of sexual violence - i.e. the fact that they should be carefully selected in accordance with clear, publicly available criteria which in turn is cognisant of the potential implications and risks to survivors of being identified within their community (I think this is touched on in 6.1, but lacks specificity).”
- “There is an assumption that as a local expert or a documenter it becomes you are trained by an institution, is an oxymoron to say local expert-the first person to document is the survivor themselves.”
- “Add respect for cultural diversity. Respect for the worldview and cultural identity of the survivors belonging to indigenous peoples and descendants. This is manifested in aspects such as their language, accent, clothing, dresses, conceptions of the world, ways of life, cultural practices, institutions and authorities and other aspects of their own identity. Acts of violence should not be interpreted as cultural practices or behaviours learned, promoted or related to ethnic-racial belonging. Appropriately addressing the violence that affects descendant and indigenous women implies questioning the ways in which these situations are conceived by them, in accordance with their own worldviews, knowledge and cultural identity. Other comments on this suggested addition - This principle is fundamental, but it is more closely related to the previous or the next section. It is important to bear in mind that it is a Code with a vocation for universal application.”
- “Fear of reporting-fear of family-families reject you or cast you out- families fear retaliation against them if known by community-lost employment opportunities.”
- “Support service mapping, for example, has been a perennial issue. It is worth thinking about pushing for political will to better resource such networks, as well as the practical element of nurturing relationships with local organisations and networks.”
- “I like understanding culture piece but if I am being honest, most officers don’t have time or won’t take the time to prepare for an interview as they should, this includes understanding the victims and their vulnerabilities. Something I hope we change with a culture shift.”

2.3.1 Local knowledge:

We recognise that a good understanding of the local context is critical and will ensure this understanding is present within our team or with those acting on our behalf. If we do not come from the area, we will seek to work with local actors (including or such as women’s organisations, survivors’ networks and GBV actors) to familiarise ourselves properly with the context.

Some of the suggested edits from commentators are included above in red tracked text.

Clarifications required

- “Know the immediate environment of the survivor; family and community.”

- “Consider: - Why would there be ‘those acting on our behalf’ who would not be considered part of ‘our team’? - How is this consistent with 2.6 Reducing Numbers?”
- “Consider: - How is area defined?”
- “Consider: - How are the aforementioned local actors defined? -Is there a protocol for this process? -Do local actors need to speak the same language? -If there are interpreters, is there a code of conduct for interpreters? -How are ethical obligations (including but not limited to: confidentiality, non-discrimination, respect) included in that code of conduct? -How does this align and not contract section 2.6?”
- ““Critical to’? Reducing harm? Providing a supportive environment?”
- “Media must endeavour to bring a local interpreter/fixer familiar with the area.”

Working with local actors

- “There should be some form of caveat on “local actors” that will be used to provide local context or who will provide assistance. If there some form of vetting, background check or any other form of verification of this ‘local actors’ role and standing in the community; how objective is the information that they provide? Their political, tribal or culture or religious affiliations and views, may be personal and not necessarily reflective of the actual ‘local context’.”
- “Principles 3.1, 3.6 and 4.6-4.7: A number of principles are set out in a mandatory way that may not be achievable for prosecutors. The principles requiring co-ordination and/or task or information sharing with local actors may not be appropriate in a criminal justice setting. Likewise, there are risks for international criminal investigations and prosecutions in engaging with locally-based partners, which can undermine the integrity and value of survivors’ evidence.”
- ““We will work with local; actors to familiarise ourselves’ - Armed forces may not be able to do this.”

2.3.2 Gender, socio-cultural and legal understanding:

We will take the time to understand how race, gender identity and gender expression, sexual orientation, sex characteristics, age, sexuality, religious, political and other beliefs, social status, (dis)ability, socio-economic opportunities, ethnic and other identities (intersectional factors), when coupled with local gendered social and cultural attitudes and dynamics, impact the survivors, their family and community, and our work. This includes where local attitudes and dynamics may be harmful to survivors and put pressure on them or prevent them from seeking justice. The violent act must be understood in its individual and collective dimensions, and whose inter-connection is inseparable.

Some of the suggested edits from commentators are included above in red tracked text, including in the heading of the commitment.

Consistency with other intersectional factor lists (1.1 onwards)

- “I’d check this against the list under 1.1. and make it compatible.”

Cultural

- “The term ‘cultural’ can be quite charged and may be misunderstood. Also, this point seems to go beyond cultural understanding. Suggest rephrasing. Maybe you could say ‘Understanding the local context’?”
- “Yes, maybe it should add more emphasis on tradition and culture (about the draft Code as a whole).”
- “Documenters need to know cultural customs. Men should not stare into faces of female survivors. They should not sit directly facing them.”

- “I think this needs some qualification and reference to 1.1 This is soft science and largely opinion. For example, a middle age man will present social issues differently than a 15 year old girl. Also, the individual interviewed may not exist within generally held social views. Context is important but it's always someone's biased perception of what their society might be. Just consider the polarized environment over mask wearing in the pandemic. Some strongly support – others believe them a sham. If you just spoke to the latter, you'd question the very pandemic.”

Strengthen

- “The ICRC's Code of Conduct for the ICRC Movement and NGOs in Disaster Relief specifically mentions respect for culture and custom, rather than just learning about it.”
- “As well as attitudes towards victims of sexual violence in that given context.”
- “It is recommended to take into consideration the local rites and ceremonies practiced by the survivors, especially those offered by elderly women, midwives, spiritual guides, among others.”
- “Culture is also fundamental. Investigators must understand and familiarise themselves about the local context and have a cultural understanding of the area. If it's not possible or sufficient, teams will have to connect with local NGOs to be able to understand dynamics, risks, and other beliefs.”
- “This also applies to principle 3.2 on cultural understanding, which should may be benefit from the inclusion of references to child-friendly interviewing techniques.”

Gender

- “It is suggested to spell out better the need to understand the gender dynamics within the victims/survivors' context, as well as the importance to integrate a gender perspective throughout the interactions of users of the Murad Code with them (e.g. principles 4 and 6).”
- “Add ‘gender-based discriminatory’ before local laws and practice. It is unclear if the reference here is to the impact of the work in terms of access to justice or in terms of interactions with survivors and their willingness to come forward. We find unclear the message that is tried to be conveyed with this sentence. We would think that in many instances survivors know what are the power imbalances and gender dynamics in their own context, which raise the importance of conducting a risk assessment in consultation with victims/survivors.”
- “In section 3 of the code, it strikes me that one kind of knowledge/background that is not mentioned is an understanding of gender and sexual violence itself as related to intersecting systems of oppression/patriarchy. We think that is different from the ‘local knowledge’ and ‘cultural understanding’ labels. Gender inequality and gender violence are cultural, but also structural (economic, political dimensions). Perhaps rephrasing ‘cultural understanding’ to be more precise: systemic conditions, or something that is not narrowly about culture. And/or a more precise and direct category of knowledge needed: Understanding GBV / CRSV.”
- “This crucially important point would benefit from making explicit that the form of engagement (oftentimes taking the form of an ‘interview’) needs to take into account cultural and gender considerations as well, i.e. “We shall take into account/acquire expertise on culturally sensitive ways of discussion appropriate to the context and culture of the survivor. We shall be aware of the gender dynamics and cultural considerations of discussing, interviewing, having a dialogue in general.” *See also 3.4 on communications.*
- “I would suggest ‘gender and social norms, attitudes and behaviours’ along with dynamics.”
- “Media must be mindful of local customs regarding being photographed/recorded/ potentially interacting with male reporters.”

Tone and wording

- “Consider: - What is the tone when using the pronoun ‘our’? - How is the word descriptive of ‘our’ align with section 1.9 of ownership? - Who decides what is ‘our’? - How is the survivor included in the word ‘our’?”
- “‘political and other beliefs’, Consider: - Why is there a qualifier for ‘beliefs’?”

- “Ethnic and other identities Consider: -Why is there a qualifier for ‘identities’?”

2.3.3 Local laws and practices:

We will familiarise ourselves with local laws and practices, and their potential impact on survivors and our work, including where they may criminalise a survivor for what has happened or where they impose mandatory reporting and disclosure obligations. We will explain these to a survivor before they share their experience, so they can consider whether or not or how to proceed. It is necessary to know the ancestral justice system, to respond to indigenous and Afro-descendant women who are victims of gender-based violence.

Some of the suggested edits from commentators are included above in red tracked text.

Importance of this provision

- “Male survivors need support. Some need medical support because [they] can’t be fathers anymore. Police might arrest you because if raped, [they] report that you are gay and arrest you. Men need funds and support.”
- “Trans experience is even more vulnerable and difficult, especially for transwomen. Lots of threats and humiliation by authorities, police. Be aware that Trans might not have identification or ID that matches their gender.”
- “Official places for reporting crimes are often inaccessible and unsafe for LGBTQI because might be harassed or arrested. Victims may be arrested. One can be arrested for just being trans woman. Fear of police. Will you report if there is a sodomy law? If gender non-informative, I would ask, ‘will I be safe?’ History of policing-our identities is used against when police, judges and juries. Lot of reasons LGBTQI people do not report. Mistreatment by authorities-humiliating practices-than stripped naked and then misused and placed with men-forced anal exams and used broadly- for intimidation and torture.”
- “LGBT being misidentified-trans hate crimes-few police can categorise crimes against LGBT -if not see them as gendered identity-trans and non-binary killed because they might not know they are. Maybe identity is reason for a crime, but they are afraid to tell.”
- “We have a legal aspect in our paper on CRSV response which makes mention of national laws especially when they are controversial. This is included in one of the MUST recommendations.”
- “In particular, this section seems created for this very point. Some understanding of law and practices is important but it is not our expertise and a little knowledge can be a dangerous thing.”

Strengthening or additional aspects

- “Survivors noted where the criminal law doesn’t criminalize all forms of CRSV/SGBV leaving some victims with less protection, excludes them from ‘victim’ classification and from rights to remedies including reparation and access to justice. They asked that those documenting should be aware of that as well. Equally local actors need to understand international law (ICL, IHL, IHRL), to know avenues of accountability and rights.”
- “I would ensure this paragraph acknowledges also:
 - The possibility that an SV act is not acknowledged as such, for example when legislation and definitions are not comprehensive or inclusive (for example when SV against male survivors, or married survivors is not acknowledged)
 - The fact that criminalisation of homosexuality, coupled with masculinities and femininities dominant notions and models, and stereotypes about homosexuality, may involve the criminalisation of male survivors.”
- “And application of the law.”

- “Consider: - Is familiarizing sufficient? - What are the consequences to only being familiar and not proficient? Or an expert? local laws and practices.”
- “Consider: - Only local? - What about national? - What about regional? - Do practices have to be written? - How many laws/practices are sufficient to know?”
- [criminalise or mandatory reporting] “Consider: - Is it sufficient to only be familiar with these? - Are there certain laws/practices where it must be mandatory to have proficient/expert knowledge on before proceeding?”
- “[we will explain] Consider: - What is this process? - Does this process imply, that someone unknown to the area/local context will familiarise themselves with the local laws and practise and then explain to the survivor the local laws and practices? What is the tone/delivery of this process?- How is there the option, if the survivor choses to engage, offered for the survivor to correct, modify, and/or challenge what is explained to them?”
- “The Murad Code needs to contend with the issue that local law enforcement and justice systems may be harmful, for instance if they require virginity tests or other unethical practices.”
- “...and how to proceed within these confines...”
- “Legal systems that recognize the original jurisdiction should be considered, in such a way that in the event that strategic investigations or litigation are initiated, they must be incorporated into the local indigenous authority in accordance with national regulations on the matter. In the case of women and girls who are survivors of sexual violence, it is important to know and take into account the norms of the community in this regard and how this affects their understanding of sexual violence.”

Mandatory reporting

- “We see a tension between the objective of the Code to ensure a survivor-centered approach and to respect informed consent on the one hand, and the ambiguity regarding the ask to be compliant with “local laws and practices” on the other, notably when those laws entail mandatory reporting requirements which can have detrimental consequences for the survivors in terms of further harm. We are concerned that the implementation of this Code leads to an increase of mandatory reporting laws which could be detrimental in terms of access to care. The Code requests all actors documenting information on CRSV to get familiar with local laws, without giving more guidance on how to overcome potential dual obligations notably for healthcare workers when local laws provide for mandatory reporting requirements of sexual violence. This request to be “familiar” with local laws and the objective to prevent further harm is potentially contradictory and should be clarified, notably by strongly stating that medical confidentiality should prevail over dual obligations to disclose information to the authorities.”
- “I think also of practical examples as the P1 form in some (national) contexts, which are sometimes obligatory to file a report on sexual violence, and goes against the nature of such a code, and survivors consent.”

Tone and wording

- “National laws and practices. Local can sound a bit disrespectful, I feel.”

Feedback by some prosecutors

- “In particular, prosecutors and other lawyers are subject to their own codes of conduct. Some may not be permitted to provide legal advice to victims, which may itself establish a lawyer-client relationship that is prohibited or could give rise to a conflict of interest – footnoting this provision as ‘undertaking to advise victims about local laws and practices that may criminalise a survivor’.”

2.3.4 Appropriate communications and interactions:

We will work to understand the significance and impact of our words and interactions in the local context. We will be alert to gaps which may exist in language and concepts for sexual violence, and to differences in cultural and social norms which can cause harm or offence.

Importance of provision

- “Language is important. Language is often offensive – for e.g. there is no gay neutral language in Arabic or Kurdish so survivors are often offended and alienated from the start. Language and questions are triggering for LGBTI. Arabic/Kurdish refer to gay men as “faggot” – we must find or create other terms.”
- “Interviewers need to know local language and be careful with language used so don’t alienate them. Better to ask the gender of who they have sex with instead of asking them if they are gay.”
- “This crucially important point (3.2) would benefit from making explicit that the form of engagement (oftentimes taking the form of an ‘interview’) needs to take into account cultural and gender considerations as well, i.e. ‘We shall take into account/acquire expertise on culturally sensitive ways of discussion appropriate to the context and culture of the survivor. We shall be aware of the gender dynamics and cultural considerations of discussing, interviewing, having a dialogue in general.’”
- “This is an exceptionally valid point, and often overlooked during investigative interviews with victims. Especially where the investigator is working in a jurisdiction where the elements of the crime (such as penetration in rape cases), must be established. The local context may prohibit a victim from speaking openly or in a very detailed manner about the sexual act.”

Strengthening or additional aspects

- “Documenters should connect with grassroots local leaders and organisations. They know the language and culture better, plus history. Don’t use technical langurs, keep it simple.”
- [Second sentence – ‘We will be alert to gaps which may exist in language and concepts for sexual violence, and to differences in cultural and social norms which can cause harm or offence’] “There could be an additional principle perhaps about how to react in case there are cultural/language mishaps.”
- “Consider: - Does this imply only verbal language? - What about non-verbal language? - How will metaphors, similes, and colloquialisms all be understood?”
- “Consider: - How will the “we” work to understand?”
- “Preface SV with CR”. [*Conflict-related*]

Tone and wording

- “Consider: - How is local context defined? - Is a national context considered? - Is a regional context considered? - Does this language imply a hierarchal level to a local context via a global context? - Does this imply that the ‘we’ is ‘always an international’ and the ‘local’ is not included in the ‘we’?”

2.3.5 Minimising repercussions:

We will seek to minimise the repercussions of our work in a community, including avoiding stigmatising, instrumentalising or tainting survivors through engagement with us, or commercialising the process of identifying survivors for interview, or creating or worsening conflicts or community divisions.

Importance to survivors

- “(Don’t press us for names)- Journalists pushed us to say names of people/perpetrators and army groups. As now as the victim we are insecure (at risk). I received threats and was stigmatised as survivor. Everyone now knows my story. This is hard and [I] feel stigmatised.”

Strengthening and additional aspects

- “Consider: Is minimizing sufficient? Is 3.6 acknowledging the repercussions that could exist for days, months, years and/or decades after engagement? After ‘included’ But not limited to...”
- “We consider that the tone in this point should be much stronger than ‘avoid instrumentalizing, etc.’ Suggest to start by indicating that stigmatizing, survivors, etc. is prohibited conduct, or something along these lines.”
- “Interviewers must be certain that any information released publicly is not misinterpreted and does not fuel the prejudices and stereotypes or incite public opinion against the survivor/survivor-community. For example, when the survivor community has a particular religious identity different from the community in which they reside, it should be ensured that talking about their religious identity does not make them outcasts.”
- “Important to have its own point but I don’t think this has been emphasised enough as a safety issue. Perhaps because safety is lacking thus far. Also it’s buried. Again I am imagining a small NGO reading this. I don’t see it working how they imagine in practice. I also don’t see the ones that do read it understanding how to implement the concepts envisaged in that bullet point. We all know small NGOs that will say ‘okay sure’ and then do what they were going to do anyway. Or are arrogant enough to think they already minimise the risks of repercussions so ‘done’/their work is so important it has to be done – the risks are worth it.”
- “This could do with a bit more description—how do projects catered directly to survivors of SVIC/CRSV access such projects without being ‘exposed’?”
- “Survivors and local actors mentioned in 3.1, especially in environments hostile to the interaction.”
- “In addition, under point 3.5. reference should be made to state retaliation, as victims of sexual violence are often punished by the authorities (in addition to conflict-related sexual violence perpetrated by armed forces, this is particularly relevant for victims of trafficking for sexual exploitation or forced criminality).”
- “Add ‘...or generate inaccurate understanding of the reality and experience of individual survivors.’”
- “3.5 ‘minimising repercussions’, could be clearer distinction between repercussions for community vs for survivors (perhaps separate them out).”

Wording and tone

- “Word choice? What is a ‘tainted survivor’?”
- “I wonder if the armed forces simply cannot get involved in conducting investigations at all.”

2.3.6 Local actors:

We recognise the important role of local actors in the continuity of support for survivors, and for tackling negative attitudes in the community towards survivors.

See earlier points about target as international actors and disempowerment of survivors/local actors as documenters.

- “It is our concern that the Draft Global Code assumes that the ‘target group’ undertaking documentation are ‘internationals’, with resources, skills, and power. It assumes that ‘victims’ are ‘locals’ without resources or skills, who do not themselves undertake documentation. This framing does not recognise that survivors may be activists, or that ‘local’ actors, activists, and professionals may themselves want to undertake documentation for important reasons such as future prosecutions, advocacy to make such crimes visible, or peace-building activities. The Draft Global Code’s approach does not recognise or build local ownership, engagement, or capacities. Equally importantly, by seeing survivors only as ‘locals’, the Draft Global Code ignores that they are also part of the international community.”
- “It is our concern that ‘international’ target groups are characterised as the ‘legitimate’ drivers and owners of documentation, rather than survivors or ‘locally based’ groups.”

Importance for survivors and strengthening/broadening this point

- “Documenters should connect with grassroots local leaders and organisations. They know the language and culture better, plus history.”
- “Essential to work through trusted local orgs. Won’t have access and trust otherwise. Best if documenter is also LGBTI or from the group/org. Or have someone present with survivor who is LGBTI.”
- “Survivors don’t trust institutions. They trust survivor networks and NGOs more. Remember it was those in uniforms who violated survivors.”
- “LGBTQI need non-discriminatory health care and psychosocial support. It’s helpful to have NGOs accompany and advocate for survivors in order to get justice and reparations, help them navigate the process and not leave out for them to do alone.”
- “Survivors need a psychological and physically safe environment. Need to be able to trust the institution. If not, will be difficult to disclose. Over time, survivors can trust. They know we won’t take it and run away. We are in a healing journey together. We are there for shoulders to cry on. More stories come out as they go along.”
- “The role of local actors goes beyond the continuity of support. You may want to make a broader point here and speak about their role in empowering survivors.”
- “Work more/better through local partners seems key, but we don’t have local partners sometimes, especially in early stages of conflict.”
- “It may be helpful to elevate the voices of local actors by referring to them as ‘experts’ to help breakdown the false dichotomies of local vs. international experts. This bullet could be titled ‘Local Expertise’. And add ‘and expertise’ after role. It is important to include the need to prepare in advance for referral for psychosocial support during and after the interview.”
- “Two areas she wants to emphasis in the Code: Principles 1 and 3 – ... And local knowledge – again is critical -and it’s important to also recognise the diversity and intersectionality of local actors and local groups too. It is important to stress that there are women’s groups, transgender groups and lots of diversity in groups as well as individuals.”
- “Please note the importance of working with women and girls’ organizations and their engagement and participation.”
- “Consider: - Is recognizing the actors sufficient? Consider: - What is the commitment made to tackle negative attitudes? - How will that be enforced? - How will it be managed and not put the survivor or supporters of the survivor at risk?”
- “We will ensure to become familiar with local actors. What does this imply further than recognising their role? Suggest rewording to include, ‘We will ensure to become familiar and seek to work with local actors’. Would suggest linking the role of local actors up with e.g. the 4th principle on preparation and actor/referral mapping, and the 5th principle on added value, to better understand and consider if the survivor has already sought support and who are available for support (the survivor may not always be aware).”

- “Surely this should be point two or three in this section given points one and two? Reconsider the order?”
- “As part of the local actors, it is suggested to incorporate the ancestral authorities.”
- “Is a cross-reference to actor-mapping and support systems/referral pathways needed?”

Emphasize the need for vetting and trusted local organisations

- “Sometimes focal point (intermediary) makes promises and not documenter. Documenter needs to clarify issues with focal point so issues don’t rise in the future. Documenters need to go through reliable organizations.”
- “The Draft Global Code proposes that the target group must work with ‘locally based partners’ (see Draft Global Code 4.7). However, it does not recognise the potential serious risks that local co-operations can mean for survivors, or that survivors or locally-based partners may themselves be engaged in important documentation. It is our concern that the Draft Global Code does not adequately reflect that working with ‘locally-based partners’ can cause an array of problems, such as competition for partnerships between local groups, gatekeeping by elites, and exclusion of less powerful survivors. These problems can be divisive for communities who need to co-exist during and after documentation. It is our concern that such partnerships do not necessarily entail quality or ethical documentation. The serious risks of documentation for survivors, family members, and other witnesses in the short and longer term are not acknowledged. Standards of data security, protection, and deletion necessary for quality and ethical documentation are not addressed.”
- “There should be some form of caveat on ‘local actors’ that will be used to provide local context or who will provide assistance. Is there some form of vetting, background check or any other form of verification of this ‘local actors’ role and standing in the community; how objective is the information that they provide? Their political, tribal or culture or religious affiliations and views, may be personal and not necessarily reflective of the actual ‘local context’.”

Feedback from some prosecutors

- “Principles 3.1, 3.6 and 4.6-4.7: A number of principles are set out in a mandatory way that may not be achievable for prosecutors. The principles requiring co-ordination and/or task or information sharing with local actors may not be appropriate in a criminal justice setting. Likewise, there are risks for international criminal investigations and prosecutions in engaging with locally-based partners, which can undermine the integrity and value of survivors’ evidence.”
- “Survivors [in ...] need to speak to documenters outside their territory. They can’t be visible.”

2.4 PRINCIPLE FOUR: PREPARATION AS THE FOUNDATION

Additional points or strengthening

- She welcomes the Code. She stresses the importance of preparation as the foundation. She would welcome even more on this and including clear guidance and tools on this. She asked how the Code will be operationalised – will the Commentary also provide tools to help comply with each section of the Code? Will there be links to the practical tools used by certain sectors or actors already. Do we intend to fill the gaps where there are no tools currently?
- We discussed the Code and Commentary being a portal into existing reference materials and tools, and that guidance in the Code would hope to supplement and fill gaps.
- “The construction of the documentation plans must be interdisciplinary.”
- “In section 4, there seems to be nice opportunity here to really learn from other fields of practice, such as academia and law to set forth pathways for clearance to even engage in the collection of information (e.g. in the spirit of IRBs of sorts).”
- “It is suggested to spell out better the need to understand the gender dynamics within the victims/survivors’ context, as well as the importance to integrate a gender perspective throughout the interactions of users of the Murad Code with them (e.g. principles 4 and 6).”
- “Preparation also involves just doing the homework. How acquainted are we with the conflict, the historical/ethnic/religious dimensions, etc, so that we are ready to understand references and terms the interviewee may use? Do we understand the geography, the customs, etc? This is so crucial. I would emphasize it. We have to do the homework first or we might waste someone’s time asking them to explain factual matters we could get a head-start on ourselves, or worse yet, we may miss or misunderstand the things they are trying to tell us. Am also thinking of recruitment /selection of interviewees. How should this be done most safely, taking what into account?”
- “Proper knowledge about the legal framework for CRSV and/or SGBV can help in preparing well. This will impact the reporting and ability to recognize SGBV crimes. Also, knowledge of legal frameworks/procedures can help determining what information needs to be documented and what not.”
- She also raised the point that the Code is really about adults. How does it relate to children? It’s clearly relevant and has been mentioned but it’s not specific to children or child rights. And children’s rights, roles and impact within communities/families. She also raised the importance of other less visible survivors’ groups like men and boys. She referred to the ASP report on Afghanistan, and the stigma and lack of health services for male survivors. “Perhaps this is for the commentary/what accompanies the Code – that in the section about preparation it can weave in their sections on men and boys, children, etc. and also context specific. It should be a tool which says in preparation, you need to do x, y and z.”
- “This is good. I would just caution against language that might imply that significant written exercises have to be undertaken. Understanding the actors and the risks doesn’t always require a formal mapping or assessment, for example.”
- “Documenters should know something about a survivor and her circumstances before interviewing her.”
- “Best if survivors speak to other survivors before reporting. Best if she knows of resources. Think about how she wants to tell her story. Survivors need to psychologically prepare themselves to tell.”
- Many survivors said they don’t want to be surprised by questions. They need to psychologically prepare themselves before they talk about the sexual violence).
- “It’s helpful for survivor to have questions before and can look at and choose.”
- “Lack of planning, safety, and support when deployed overseas to be able to respond.”

Recruitment/team selection/working with others

- “This refers back to the comment of the careful selection and vetting of persons assisting in the documenting and investigation, such as local actors, guides, interpreters, etc.”
- “Team selection: During preparation and in consultation with survivor for their individual engagement – gender, age, etc. includes interpreters.”
- “It would be nice to see a bullet or phrase stating that everyone on the team should have some background knowledge of and training about trauma and its manifestations.”
- “Documenter should be age appropriate. Don’t want documenter to be same age as my children.”
- “Selection of interpreter important. Documenter should give choice for another interpreter if survivor does not like them.”

2.4.1 Preparation first

We will undertake thorough preparations before any work with survivors can take place, as a foundation for respecting survivors’ rights, and for safe, ethical and effective outcomes.

Importance

- “This point should come earlier, in Section 3.”

Clarifications and strengthening

- [thorough preparations] “Consider: - Can this be more explicit?- Who defines what is ‘thorough’?”
- “I suggest defining what is meant by ‘preparations’.”
- “Recommend that you provide examples of preparation that, at a minimum, should be undertaken.”
- “Before, during and after each documentation day.”

Separate point on safety

- “We believe that the Code should further develop survivors’ rights to personal security and address the risks of retaliation by armed actors (government and non-state armed groups) to whom the perpetrators are often associated with. It would be beneficial to clarify the responsibility of documenters not to put survivors at risk by such actors and the steps that they need to take (particularly within the principles of ‘preparation’ and of ‘local knowledge’).”
- “ ‘Safe’: Yes, but not prominent enough. Suggest a higher up point on safety, noting the key safety issues and that safety is a thematic issue which will keep arising and which underpins many of the points.”

Drivers of bad practice

- “This is so often the case for many sectors where time is the biggest pressure. Where researchers are sent in with little notice and no time to prep or plan.”
- “Preparation first. I don’t think Investigators are usually well prepared before meeting with Survivors.”
- “I suggest to change language to an aspiration – circumstances may not allow for thorough preparations.”

2.4.2 Risk assessment and mitigation

We will identify/express and assess any potential risks, harms, or consequences for all those involved including their safety, well-being, socio-economic and legal rights and review this assessment as often as necessary. This assessment will include intersectional risks to an individual, their family and community. If we proceed to contact a survivor, we will ask them to identify their concerns, as part of our ongoing risk assessment. We will adopt appropriate measures to address those risks and review

those measures as often as may be necessary. We will not proceed if the risks cannot be appropriately mitigated.

Some of the suggested edits from commentators are included above in red tracked text.

More emphasis on safety, stigma, revictimisation risks - separate provision

- “Safety is big issue for survivors and families. Survivor families can also be killed for survivor speaking up. Perpetrators still all around. Death threats. Shame and stigma are second big issue. Documenters re-victimize survivor. They ask questions like why did we go there? Why did we go out late? Why not leave earlier? These are questions which make us feel guilty and responsible for what happened.”
- “We believe that the Code should further develop survivors’ rights to personal security and address the risks of retaliation by armed actors (government and non-state armed groups) to whom the perpetrators are often associated with. It would be beneficial to clarify the responsibility of documenters not to put survivors at risk by such actors and the steps that they need to take (particularly within the principles of ‘preparation’ and of ‘local knowledge’).”
- “Survivors’ safety risks.”
- “Fear of reporting-fear of family-families reject you or cast you out- families fear retaliation against them if known by community-lost employment opportunities.”
- “She also mentioned cohabiting perpetrators – where perpetrators still live in the vicinity of survivors. And also the traditional aspects and dynamics in communities which requires local understanding and sensitivities – perhaps these issues could be stressed even more 1-8.”

Importance of survivor-specific risks, triggers and their engagement in Risk Assessments

- “Be aware of what might trigger a survivor. Don’t wear a uniform if uniformed men raped survivor. Don’t do interviews in official institution-like buildings.”
- “Documenters should know something about survivor and her circumstances before interviewing her.”
- “Survivors in [...] need to speak to documenters outside their territory. They can’t be visible.”
- “Add ‘Wherever possible and as early as possible, we will engage the survivor community in decision making on risk assessments and mitigation.’ as a second sentence.”

Approaching survivors

We recognise that sexual violence does not happen in a vacuum. Disclosure of sexual violence may occur unexpectedly. We will prepare for that possibility and plan accordingly. We will also listen if the survivor chooses to talk about other crimes, recognising that they may have endured other harms and hardships.

- “[If we proceed to contact a survivor] Consider: Does this imply that the survivor has not reached out first for support? - How is this aligned with the survivor-centred approach and 1.1?”
- “[If we proceed to contact a survivor] Who have been referred with consent? This is a sensitive issue as reaching out can cause harm in itself- ensure survivor has consented to a referral or knows how to self-refer? e.g include documentation and investigation services in referral pathways.”

Connection to informed consent

- “See also comments above. Here I miss the transparency/communication about these risks with the survivor. They should be informed about it in order to be able to decide whether to participate.”
- “The concept of informed consent in the Murad Code is more complete and precise than in our usual practices. I believe that we should be inspired by the Code and take necessary time to inform

the survivor with complete information as well as to present all the options available to them. Above all, we should always make sure that the survivor understands the risks he faces in getting involved in the process. This is a fundamental step that must be addressed with the survivor, but which should be more in depth and with better guidelines. Investigator's training should focus more on risk assessment and mitigation to prevent and lessen the harm suffered by the survivor, his family, and his community."

Recognition of heightened vulnerabilities and threats

- "LGBTI do not feel safe to report-humiliation, arrest. Confidentiality is hugely important. Can't expose survivors. LGBTI do not trust documenters. Documenters must understand this."
- "Essential to work through trusted local orgs. Won't have access and trust otherwise. Best if documenter is also LGBTI or from the group/org. Or have someone present with survivor who is LGBTI."
- "Trans experience is even more vulnerable and difficult, especially for transwomen. Lots of threats and humiliation by authorities, police. Be aware that Trans might not have identification or ID that matches their gender."
- "LGBTQI are vulnerable. They tend to be more impoverished, discriminated in school and employment. More violence toward them in families. More forced into marriages. They therefore tend to work in more informal job markets, 'off the books'- like in bars and sex work. Often become migrant workers to leave an area. These are riskier jobs."

Connection with confidentiality and privacy

- "Provide safeguards to survivor to tell and keep them- I had written assurance that the report I made was also in confidence and not to be made public. Without all of those safeguards, I would not have filed a report."
- "Don't press us for names. Journalists pushed us to say names of people/perpetrators and army groups. And now as the victim we are insecure (at risk). I received threats and was stigmatised as survivor. Everyone now knows my story. This is hard and [I]feel stigmatised."

Risks arising from team selection

- "This refers back to the comment of the careful selection and vetting of persons assisting in the documenting and investigation, such as local actors, guides, interpreters, etc."

More on risks/consequences to survivors' access to justice/ongoing prosecution process

- "An important risk is the possibility of continuing with the prosecution process."
- "An important risk to consider is the possible impact on the prosecution process, if it has started."

Clarifications needed

- "[any risk] Consider:- Any and all? - How will this be defined?"
- "[risks to an individual, their family and community] Consider: - How is community defined? - Is that inclusive of national risks? - regional risks? - and global risks? - And how is the survivor involved in this process?"
- "[Adopt appropriate measures]: Consider: - What are those measures? - Can this be more explicit? - Is there room for interpretation?"
- "[Not proceed if can't be mitigated properly]: Consider: - Is this inclusive of all risks? - If all risks cannot be mitigated will nothing proceed? - What if risks occur after that were not initially recognized?"
- "Recommend a note explain intersectionality in the introductory part."

Feedback from some prosecutors

- “In particular, prosecutors and other lawyers are subject to their own codes of conduct. Some may not be permitted to provide legal advice to victims, which may itself establish a lawyer-client relationship that is prohibited or could give rise to a conflict of interest – footnoting this provision as requiring the identification and assessment of ‘any potential harms, risks or consequences for all those involved including their legal rights’ and ‘adopt appropriate measures to address those risks’, and ‘not proceed if the risks cannot be appropriately mitigated’.”
- “Principle 4.2: This principle raises some difficulties for international investigators and prosecutors, who gather evidence from witnesses but do not control all of the protective measures that may ultimately be granted by a future court. While all criminal justice practitioners need to be mindful of this risk, and communicate that risk to the survivor in a transparent way, the language may need to be nuanced.”

Drivers of bad practices

- “I like understanding culture piece but if I am being honest, most officers don’t have time or won’t take the time to prepare for an interview as they should, this includes understanding the victims and their vulnerabilities. Something I hope we change with a culture shift.”
- “Risk assessment & mitigation: This is hardly done as investigators just delve into investigations without much preparation and assessing possible risks lest I say plan for mitigations.”

2.4.3 Contextualising and identifying sexual violence:

We recognise that sexual violence does not happen in a vacuum. Disclosure of sexual violence may occur unexpectedly. We will prepare for that possibility and plan accordingly. We will also listen/be attentive and respect if the survivor chooses to talk about other crimes, recognising that they may have endured other harms and hardships. We will document in a manner which is consistent with the experiences of the survivors.

Some of the suggested edits from commentators are included above in red tracked text, including in title of commitment.

Importance

- “Documenters need to prepare themselves. They will hear things they might not think imaginable or possible. They must not respond with shock.”
- “Survivors have often faced more than CRSV. These other violations are often ignored or not recorded.”
- “I was reminded of question A.1 on the feedback sheet when I saw mention of other crimes/harms/hardships. I think that this specific principle (4.3) could possibly be expanded because a survivor may experience other violations that the interviewer should be prepared to respond to.”
- “Need to know survivors may have experienced different types of war related violence-physical, sexual, psychological. And are able to mobilise men by talking about all war experiences (not sexual). Don’t have immediate language to discuss sexual violence so ask what made them come to [...] and just start talking.”
- “Media must be prepared that the survivor of a violent act or other crimes may reveal crimes of this nature.”

Separate out/move

- “Disclosure of sexual violence may occur unexpectedly. We will prepare for that possibility and plan accordingly.” I think these sentences are out of place. I suggest moving them to a separate point.”
- “In addition, if the Code will remain limited to sexual violence, then we note that there is a presentation issue in Principle 4.3. Parts of this principle seem out of place in a code that is intentionally limited to sexual violence investigations. The situation where there is unexpected disclosure during the investigation of other crimes does not fall within the core purpose of the Draft Code as currently envisaged. If this reference to unintended disclosure is to be retained, we suggest separating this principle into two parts: the first about listening to the survivor about other harms; the second about ensuring that all investigations into other crimes are prepared to hear unexpected disclosure of sexual violence.”

Tone and wording

- “It is suggested to review the language and tone used in the draft Code, as they could be read/interpreted as condescending (e.g. 1.1, 1.3, 2.2, 4.3, 7.3). The aim of this revision would be to align better the language and tone of the Murad Code with a victim/survivor-centered approach and in recognition of victims/survivors agency.”
- “Is there a reason we do not say conflict-related sexual violence here? Does this paragraph apply more broadly?”
- “I feel like given that CRSV isn’t explicitly mentioned much. Given that often the NGOs/journalists flood places looking for all kinds of things, is the question they ask re generalising the Code a valid one? Should it be targeted more generally with notification that it includes guidance on CRSV. Also, unexpected disclosure is a good point but this document is currently labelled as CRSV guidance. If it’s labelled as CRSV guidance, it’s unlikely to be read more broadly. It will therefore be read by people who are expecting disclosure – what about the others? Maybe it is better to be broader?”

Strengthening and clarification needed

- “Only listen or also take action to follow up to the best of our abilities?”
- “The title and the content seem to lack consistency and content lacks conceptual clarity. Unclear what is meant by vacuum, why unexpected disclosure is brought up in other interviews and what preparation would amount to.”
- “Disclosure of SV may happen unexpectedly Consider: - Does this definition of disclosure recognize the multiple types of disclosure?”
- “We will prepare and plan accordingly. Consider: - What does this process look like? - What is sufficient planning to move forward?”
- “Could be added: “Disclosure of sexual violence may also occur with significant delay” (since this seems to be poorly understood).”

Broader forms of contextualising (beyond other crimes/violence)

- “Gender inequality and patriarchy? This seems gender blind here. If we are looking at this section to contextualize sexual violence it is important to [refer to these].”
- “It is important that the people who document the cases know the different theories that have been built from the academy, from the truth commissions, in the case of [...] from the texts of the organizations and the [...], that have been built and that have tried to give an answer on the rationale and objectives of sexual violence in the scenes of the armed conflict, including territorial disputes and differential and intersectional views, emotional affectations, the re-dignification of survivors and their resistance and resilience.”
- “Identification of the context and military strategies. And the socio-cultural patterns that make it possible.”

- “Survivors are likely to have been victims of other crimes in the context of the armed conflict. In the case of sexual violence, this could also be generated in family and social contexts before, during and after the conflict (continuum of violence).”
- “Focus on the individual, not their story. Ask us other questions beyond the violence. We want people to know about the consequences, how we got past it, how we become a person again, how we moved on, have rebuild our life, how we learned to live with it. Please help turn this experience into something positive. That will help us change.”

Connections to Principle 6 Competencies

- “Points 4.1 and 4.3 rightly stress that sexual violence does not happen in a vacuum and that thorough preparations of interviews and other related processes are essential. It would be important to link this to point 6.1 and explicitly state that such preparations should include training, research and other measures to ensure that interviewers have sufficient knowledge and awareness of the gender-based nature, root causes, dynamics and impact of sexual violence.”

2.4.4 Actor mapping:

We will conduct, or seek out if available, an actor mapping to understand all relevant actors, including who is collecting information from survivors for what purposes, and to help inform our understanding of adding value under Principle 5. Where possible, we will forge agreements with other agencies to avoid duplication of contact with survivors.

Some of the suggested edits from commentators are included above in red tracked text.

Importance/order

- “I think this point should come earlier in this section.”
- She said that as part of understanding benefits and valued added, there might be an actor mapping done. “You have to know who is doing what otherwise how can you know you are adding value or meeting a need? It is part of the preparation – understand the conflict, ethnic dimensions, gender dynamics. Understand the geography, culture and expressions. Situate your work within this and within the work already being done. Articulate the concrete, objective value of your work to the survivor and the community. Get someone else to judge that – objectively.”
- “Maybe add here that if the information we need has already been collected, we will refrain from interviewing again.”

Additional aspects

- “And what training or understanding of the Code they’ve had.”
- “Add ‘seeking to support survivors’ after all relevant actors.”
- “And who can potentially acquire that information without our knowledge.”
- “There should be a local platform where this can be shared.”
- “I would include that one of the values of actors mapping is to provide support (both in addition and introduction to the next point – since in many contexts there are no available pathways, I think mapping needs to be done of both actors and pathways, which might be mapped or established).”

Clarifications

- “Consider: - What is this process? - How will the information be stored? - How is there the option, if the survivor choses to engage, offered to participate in this process? - How is this process promoting the wishes of the survivor? - How is the survivor-centred approach followed?”

- [Re helping inform our understanding of add value under Principle 5] “Consider: - Who has to understand what? -How is there the option, if the survivor choses to engage, offered to participate in this process? - How does this promote the survivor-centred approach? - What is the end goal of understanding? - How does that end goal support the survivor?”
- “Consider: -How is there the option, if the survivor chooses to engage, offered to participate in this process? -Who decides what is ‘adding value’? -Who is the ‘our’ -Is the survivor included in the ‘our’? -If the survivor is not included in the ‘our’ is the survivor-centred approach being followed?”
- Too technical language - needs definition or lay explanation: “That said, I am less certain that a set of guidelines this detailed and dense, filled with terminology the definition of which even I am not certain (“actor mapping” is one that jumps out) achieves that goal. ... At the other end of the spectrum, I am concerned that the condensation of material risks distorting complex doctrines, and worse still, perpetuating shortfalls in understanding.”
- “How should they conduct the proposed actor mapping exercises etc. Should the implementation of some of these things not be considered? If we just throw a list of complex demands out there, they’ll never be met. Lack of capacity. Not lack of will.”

Softening

- “Some of the principles are set out in a mandatory way even though they may not always be practically achievable. The requirement of actor mapping in Principle 4.4 is an example. While we support including actor mapping as a practical tool, there are many situations where actor mapping will be necessarily incomplete and imperfect. The language of 4.4 suggests that it is mandatory to understand “all relevant actors” even though this may not be fully achievable in many circumstances (for example because some actors are operating in secret and/or with restrictive confidentiality obligations). Consider whether softening the language would allow for a more achievable—and therefore more meaningful—principle.”
- “This seems super relevant to NGO actors but also seems like it’s a big ask or burdensome for journalists – is there something else journalists/researchers would be looking at – identifying resources to refer survivors for example.”

2.4.5 Referral pathways mapping:

We will map, or seek out if available, any accessible, safe, confidential, effective, and age- and gender-attuned/competent support services and systems for survivors, including at a minimum medical, mental health and psycho-social, protection and legal services. We will endeavour to recognise and reduce barriers to accessing support for survivors whenever possible.

Some of the suggested edits from commentators are included above in red tracked text.

Importance

- “When documenters refer survivors to services, they should make sure the referrals are survivor friendly too. They should know that their referrals are good.”
- “It’s hard being a refugee. You are disturbed and unsettled. Services change or close down. We don’t get any help. Authorities don’t care about us. Police and hospitals ask for money if you report. We also have trauma, disabilities, stress, and depression. Our documents have been lost or destroyed.”
- “Knowing about support that is available to survivors and the ability to refer should be a minimum requirement before any engagement.”
- “Referrals to services is included under preparation as well as 6.5 Appropriate Support and Response, but I suggest explicitly saying that interviewers need to offer this information to every

survivor. They must map out existing services (including that will be able to manage/treat male, LGBTI, child, etc. survivors), document the type of service provider (mental health, medical, etc.), the location, hours, and telephone number, and offer this info to all survivors in local language on a card or sheet.”

Investment needed

- “This is something already facing immense challenges after more than a decade of work on SEA, how will this work better under this code?”
- “Support service mapping, for example, has been a perennial issue. It is worth thinking about pushing for political will to better resource such networks, as well as the practical element of nurturing relationships with local organisations and networks.”
- “There are few support services for LGBTI-few safe houses, counselling or legal aid.”
- “Very few referrals or support services for LGBTQI people.”

Wording

- “I would suggest rephrasing this point to make it easier to implement in practice. Your first sentence has a list of requirements that may be difficult to meet in many contexts. In point 6.5 you simply speak about the need for ‘at least appropriate basic support and response in place’. Suggested rephrasing: We will map appropriate support services and systems for survivors, including medical, mental health and psycho-social, protection and legal services. We will endeavour to recognise and reduce barriers to accessing support for survivors, ensuring, whenever possible, that these services and systems are accessible, safe, confidential, effective, and age- and gender-attuned.”
- “Perhaps it is just different word choices but the documenters/investigators should not be doing duplicative service or referral mapping but rather integrate and coordinate with the existing referral pathways. Often the investigators are also not trained in how to do a GBV service or referral mapping. If independent investigators start creating standalone referral pathways it will end up conflicting with other principles in the document. Recommend to reword so they liaise and collect existing referral pathway document to ensure survivors can access relevant services that are available in their context. Is this the job of the sub cluster?? Who is ‘we’ referring to here in terms of mapping the services? i.e. is this saying the interviewers and justice actors will be integrated into referral system? Good point. There is a lot of ‘we’ but it does not seem realistic if the assumption is that the interviewers will do all of this.”
- “Point 4.5: the relevant actors should also be vetted.”

Explicit cross-reference to 6.5 Appropriate Support and Response

- “Make explicit somewhere that we will indeed refer and not only map. In the above I miss that survivors will be informed on their options as per mapping. This also relates to question above - documentation for SGBV case management is not exclusive for access to justice, but could be part of a holistic response. Also for example clinical management of rape documentation in hospitals, could be used for justice response with survivors consent. SGBV support services, often collect anonymised data for statistics. Collecting info/ data of survivors without offering support options/ directly or through referral can be dangerous. Documentation should minimally be accompanied by basic psychological support.”
- “Referrals to services is included under Preparation as well as 6.5 Appropriate Support and Response, but I suggest explicitly saying that interviewers need to offer this information to every survivor. They must map out existing services (including that will be able to manage/treat male, LGBTI, child, etc. survivors), document the type of service provider (mental health, medical, etc.), the location, hours, and telephone number, and offer this info to all survivors in local language (on a card or sheet). Survivors may refuse – that’s fine – but it should be offered. I’ve been in many situations where services are available, but interviewers and/or survivors don’t know this or don’t

know how to access them. Mapping and preparation alone will not solve this problem – they must actually give/offer the info to the survivor.”

- “Need for realistic information based on vetting for survivors: It is important to manage expectations of survivors. Over-promising support services which may be difficult to deliver or to maintain over time, may damage trust that was built with survivors.”

Commentary/further guidance

- “We also offer a specific suggestion in relation to commitment 4.5 (“Referral Pathways Mapping”), which is to provide guidance in supporting materials for actors in situations where referral pathways currently do not exist.”

Strengthening or additional aspects

- “I would add ‘at a minimum’ as needs may involve shelter, child care, and other needs according to each situation.”
- “Noting the importance of multi-disciplinary coordinated responses.”
- “It is recommended to include as part of these support systems: sexual and reproductive health services, social welfare services, and social and economic repair and insertion policies.”
- “Sexual and reproductive health.”
- “Protection services – the importance of not accessing to justice without social services and PSS [psycho-social support] follow-up. Improvement on this aspect is hugely needed. It is one tool which women need to exercise their rights.”
- “As above – change language to ensure documentation and investigation services are integrated into existing referral pathways.”
- “Add language about ‘support groups or survivor networks’.”
- Important to join a support group. “I am more motivated to share when with others who experienced the same. It reduces depression and trauma. We understand each other.”
- “We will “work with local experts” to map.”
- “I suggest including language around ‘and will carry and utilise the standard referral forms as used by the local services when making a referral’. If the investigator doesn't fill the form out, it means the survivor will have to go to the service and repeat their story. The forms are usually one page and doesn't take long to fill out.”
- “We will put in place agreements with referral organisations to ensure that through documentation we are also able to refer survivors for any needed services.”
- “Useful to include examples of different referral actors/purposes (four pillars).”
- “Consider: - What about overall case management? - Would the mapping identify if providers can support all ages? All sexes? All languages? Be accessible at all hours? - How is this mapping complementing existing referral pathways? - How is the community who participates in managing these services included in this process? Consider:- How will this be enforced?”
- “We suggest to highlight that the mapping should include international and local/community support services. We consider that certain nuances should be included as in many contexts one would simply not be able to map accessible services because they are simply not available to begin with.”
- “If the Cluster doesn't have this already, there should be a local platform where this can be shared.”
- “Recommend that there should be a psychosocial multi-disciplinary intervention team consisting of doctor, lawyer who can intervene with social leaders who know the conditions of the community better.”

Soften language on reducing barriers

- “Also, not sure that all actors the Code intends to target would be able to reduce barriers...”

- *Note what survivors commented:* “Documenters shouldn’t just come and then leave the territory. Should help create permanent support for survivors. Needs to be social transformation.”

2.4.6 Co-ordination and co-operation:

*We recognise the critical importance of co-ordination and co-operation, for the avoidance of **further harm/retraumatisation**, over-exposure of survivors and the **negative** impact on their rights through our work, and will connect with **traditional or ethnic authorities and with** those operating in the same place to seek ways to work together for better survivor outcomes.*

Some of the suggested edits from commentators are included above in red tracked text.

Importance/order

- “Local media must collaborate with local NGOs and medical professionals as much as possible.”
- “This should be higher, as it is very important. However, NGOs are more likely to go straight to trying to work with known colleagues etc. than conduct actor mapping which are more time and resource intensive.”
- “Interacting is listed in the MUST recommendations for our CRSV Paper.”
- “[Courts] can have so many units/ sections/ organs engaging with victims. It’s confusing for victims. If [they are a prosecution witness], they would first have been seen by psychologist (screening, perhaps had to tell story to some degree, but not necessarily), then by investigator (perhaps several engagements by investigators), then by prosecutors. [If we share information, we do not need to keep re-asking.] Then someone goes to courtroom where they are asked again and again.”

Strengthening/additional aspects

- “We would encourage an emphasis on multisectoral collaboration so documenters and investigators can collect information from survivors in other ways that do not risk re-traumatization.”
- “In the capital area we have the possibility to use a support center [...] which has worked well as one point of contact. From victim’s perspective it is always good if there are not too many contact points and persons but rather as much centralisation as possible (psycho-social support services, medical care, investigation team). At the moment we are working in a national project aiming to achieve better coordinated services in investigation of crimes involving children, so that all could be centralised and provided at one contact point.”
- “The Murad Code could be more explicit in referencing coordination with the humanitarian architecture and GBV actors, where they exist.”

Interconnection/qualification around upholding confidentiality and informed consent

- “Due consideration needs to be given here to the aspect of confidentiality. Better coordination and cooperation between various actors and role players will inevitably require the sharing of confidential information. There should be a wider discussion on how the confidentiality requirement existing within the various actors’ organizations, protocol and procedures may affect efficient co-operation and co-ordination, and some basic guidelines for sharing of confidential information.”

Need for solutions/further guidance

- She proposed an idea of shared resources as part of coordination and collaboration – “a community of practice that shares actor mapping, reviews of laws application in each setting, of

Referral Pathways mapping. Not to reproduce that but to share it. Through a platform of some kind.”

- He raised a point regarding the necessity for engaging with local authorities in order to conduct investigations in international jurisdictions. Memorandum of Understanding, (MOUs), detail the nature and scope of these engagements. He noted concerns around the practices and procedures in some of these areas, and indicated that it would be beneficial to know that the authorities are aware of the Murad Code guidelines and are agreeing to abide by the principles contained therein. This raised the question of whether the Murad Code, once implemented, could be included in the mission preparation in that it is incorporated into the MOU.
- [Re Background Paper para 7a (repeated interviews)] “In order to avoid this situation, it is proposed that the NGOs have a tool, if they want to be standardized, in which they can enter the cases. And that in the cases in which the documentation of cases is done within the framework of the execution of an international cooperation project, one of the results that should be the creation of this tool in a software that lasts over time.”
- “One of the concerns raised by practitioners is insufficient coordination. While the Code acknowledges this as an issue, it does not suggest any solutions or good practice to ensure coordination and avoid re-interviewing or other harmful practices.”

Clarifications needed

- “Consider: - How is ‘operating’ and ‘same place’ defined? - Who defines the ‘place’?”
- “‘survivor outcomes’ - odd phrasing.”
- “On 4.5 - 4.7 This makes sense but, at the same time, there seems to be a blurring of roles and responsibilities here across functions. Who is ‘we’? Are these the functions of investigators?”

Survivor-centred approach

- “How is there the option, if the survivor chooses to engage, offered to participate in this process?”

Feedback from some prosecutors

- “Principles 3.1, 3.6 and 4.6-4.7: A number of principles are set out in a mandatory way that may not be achievable for prosecutors. The principles requiring co-ordination and/or task or information sharing with local actors may not be appropriate in a criminal justice setting. Likewise, there are risks for international criminal investigations and prosecutions in engaging with locally-based partners, which can undermine the integrity and value of survivors’ evidence.”

2.4.7 Follow-up:

If the Survivor wishes us to do so, we will plan and do our best to remain in contact with survivors safely and securely to give them feedback about outcomes if they agree to such feedback, and to facilitate review of informed consent if and when necessary. If we do not have an ongoing presence, after discussion with/with the consent of the survivor, we will ask locally-based partners to help.

Some of the suggested edits from commentators are included above in red tracked text.

Importance to survivors

- “Follow up-always like a response after we tell our story. Some kind of action so we can proud of what we’ve said and told.”
- “Survivors are poor and without education. They don’t know who the interviewer is or who they work for. Interviewer should follow up after interview to tell her what happened.”

- “Don’t share with those who just take your information and go. It is very few we trust who bring something back to us and have our interest. If I think you will help male survivors, I’ll talk to you for ten years.”
- “We want to know what happens to what we tell afterwards. We want feedback. Want to know where published or research done. How it helps people?”
- “One of the most important points is that victims are included in the proceedings, so that victims know what will be done with their statements, whether there will be legal proceedings, an investigation, etc. Victims must know where they stand since in our experience this is helpful in the processing of traumas. This issue can be found in point 4.7 (follow up) and point 5.1 (clear purpose), but there could be more attention for this in the Code or in the background paper.”
- “Very welcome and important point. It could be added that survivors should be kept informed not only of the outcome (which in certain accountability contexts could take many years), and with it the risk that due to that length of time contact with survivors may be sparse or lost, but also of the use of information they provided along the way.”
- “Documenters from institutions take their stories and disappear and never hear from again.”
- “Follow up with them! Keep in mind families might not know. Keep confidentiality.”
- “In an international context, the most difficult part of our work is continuity and follow-up with survivors since investigation teams change and survivors remains. It’s not always possible or safe to refer survivors to local NGO. That’s why it’s fundamental to have a network for supporting survivors ready prior to engage any contact with them.”
- “I also am happy to see the feedback portion, it is our duty under the [law] to keep victims informed and we are working on 100% compliance.”
- A victim recently told her, “25 documenters have spoken to me, no one has ever come back to me, they send people who are younger than me, and nothing happens.”

Survivor-centred approach

- “Wording excludes the survivor.”
- “Maybe needs sentence about survivor consent—if survivor chooses to follow-up.”
- “If the involved survivor(s) wishes to do so.”
- “With consent of the survivor.”
- [Remain in contact with survivors] “Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process? - Can the survivor choose not to be contacted? - How will contacting the survivor not put them at additional risk?”
- “If we do not have an ongoing presence, we will ask locally-based partners to help. Consider: - How does this promote the survivor-centred approach? - How is there the option, if the survivor chooses to engage, offered to participate in this process of who is engaging with them? - How does this align with, among others, 1.2, 1.3, and 2.6?”

Strong enough?

- [do our best] “Consider: - What does best imply?”
- “Line 4.7 - “Follow-Up” description seems like too soft an approach. Endeavouring or doing “our best” to remain in contact with survivors to give them feedback, facilitate review of informed consent, does not read as mandatory. Further, where it is not possible to review informed consent as the purposes of the use of the information evolves (because there is no way to contact the survivor or any other reason) instruction on how to proceed would be helpful.”
- “In the Murad code, it seems to be limited information about how one intends to follow up those who have given their testimony for documentation purposes so that they know how their information is used further. The Center for Human Rights at UC Berkeley conducted a study a few years ago in which this was pointed out as a challenge for those who give their testimony to international criminal tribunals (here is a link to their report <https://www.law.berkeley.edu/wp-content/uploads/2015/04/The-Long-Road-August-2015.pdf>). As we read the Murad code now,

there is this type of follow-up that one seeks to achieve, but is not obliged to do. It could therefore be an idea to suggest stronger languages related to just this, so that those who testify / document are obliged to follow up with those who have told their stories so that it knows where / when the information they have given is used.”

Also immediate follow-up/feedback/accompaniment

- “What about follow up support and accompaniment, for example when going home after the interview, etc. - this could be required immediately after an interview as well as when the interview/information becomes public. If there would be consent to any identifying information.”
- She also emphasized the need for psycho-social support for survivors after the interview has been conducted. She feels there is a lack of follow-up especially in circumstances where international investigators travel to a location for a short period of time, conduct interviews with survivors, and leave without making any further contact or ensuring there is a system in place to provide follow-up support.

Also about support

- “When you go ahead with the interview, what kind of standing support can we offer to victims and survivors, how can we support them in a very real way. what does code say about follow-up? Not just a sheet of paper with local resources. Longer-term. I keep in contact with a lot of people I interview. What kind of responsibility we have for victims who need support for a long time. What is the degree of responsibility to person you’re interviewing as an individual. You’ve finished your project, you’ve published it, may have needs, and so on. What about situations where it’s actually impossible to follow-up because of context – people don’t have mobile homes, migrants, mobile, moving around, constant dilemma – does that mean we shouldn’t talk to them? But we also want to help expose the issues they’re facing, long-term follow-up and then almost no capacity for follow-up.”
- She really wanted to second this point, “this is what we have to grapple with most in our methodology. We have this idea of ‘one interview’ – more access to people than we ever have, we have people’s phone numbers. Is this ‘one interview’ enough? What’s our system of follow-ups? One week later, two months later, consequences for secondary trauma; greater guidance on this from the code and commentary, different ideas of follow-up; where does your role or responsibility end.”
- “Documenters shouldn’t just come and then leave the territory. Should help create permanent support for survivors. Needs to be social transformation.”
- “In this case, then there also needs to be processes in place to support local partners. It is a problem when international investigators just leave a local organisation with a complex case to manage and follow up, without any support mechanisms to the local partner.”
- “On paper we may have support that we offer victims but the reality is starker. I've concluded examinations with a witness (this one with mental issues) and he walks home alone on a dirt road for 2 hours and is contacted once or twice by the office thereafter. Or where a rape survivor goes back to her village and at best is contacted by us a couple more times.”

Ongoing access to information collected/GDPR point

- “4.7 Related to this point, a suggestion: Any evidence collected should be accessible to the survivors at all times, there should be continuity/follow up of the cases and the survivors must have a copy of the evidence.”

Feedback from some prosecutors

- “Principles 3.1, 3.6 and 4.6-4.7: A number of principles are set out in a mandatory way that may not be achievable for prosecutors. The principles requiring co-ordination and/or task or

information sharing with local actors may not be appropriate in a criminal justice setting. Likewise, there are risks for international criminal investigations and prosecutions in engaging with locally-based partners, which can undermine the integrity and value of survivors' evidence."

- "We suggest to review. How would this apply to a celebrity or journalist, what type of follow-up could they do?"
- "On 4.5 - 4.7 This makes sense but, at the same time, there seems to be a blurring of roles and responsibilities here across functions. Who is 'we'? Are these the functions of investigators?"

Reliance on locally-based partners

- "The Draft Global Code proposes that the target group must work with 'locally based partners' (see Draft Global Code 4.7). However, it does not recognise the potential serious risks that local co-operations can mean for survivors, or that survivors or locally-based partners may themselves be engaged in important documentation. It is our concern that the Draft Global Code does not adequately reflect that working with 'locally-based partners' can cause an array of problems, such as competition for partnerships between local groups, gatekeeping by elites, and exclusion of less powerful survivors. These problems can be divisive for communities who need to co-exist during and after documentation. It is our concern that such partnerships do not necessarily entail quality or ethical documentation. The serious risks of documentation for survivors, family members, and other witnesses in the short and longer term are not acknowledged. Standards of data security, protection, and deletion necessary for quality and ethical documentation are not addressed."

2.5 PRINCIPLE FIVE: ADD VALUE OR DON'T DO IT

- “Excellent, especially (b) [5.2].”

Subjective self-assessment

- “Principle 5 of the Draft Global Code – ‘adding value or don’t do it’ – leaves this assessment in the hands of the target group without empowering survivors to make this assessment themselves. (should ensure survivor has independent legal advice)”
- “Are some purposes / objectives more valuable and legitimate than others? Where do survivors’ goals figure in? Need an objective assessment of the “value” one might add.”
- “Section 5 could benefit from a mapping of how to determine the value-add. A process of how to ask oneself the key questions to determine whether or not to move forward.”

Not sufficiently survivor-centred or driven

- “[Our] CRSV paper is adamant that we do not approach survivors - that to do so could cause harm and may go against the survivor-centred approach.”
- “There needs to be clear communications with survivors about what the likely added value is for them. I feel one of the main ways in which current systems fail survivors (and this is especially true with SEA and peacekeepers [...]) is that we use the term justice and the even broader term accountability far too readily and in so doing totally fail to manage survivors’ expectations and mislead them.”
- “For Guided disclosure – where you are seeking information from a survivor- there are a set of questions in there about why you need to know, for what reason, whose benefit, what value added by asking. And that then guides the how and what level of detail is needed. Only 1% of documenters really need the details – prosecutors/criminal investigators being one of those. Everyone else doesn’t need granular details – but what information is needed, is tied to purpose.”
- “We suggest to integrate 5.6, 5.7 and 5.8 to relevant principles as suggested below. Readers might find confusing to have elements relevant to a particular topic scattered in different parts of the Code.”
- “Elements of the draft Murad Code contradict our current policies because we are subject to national laws and professional standards. Our legal system focuses on compliance with laws, regulations, and rules of evidence more than on the well-being and survivor’ best interests. For example, when we’re collecting the testimony from a survivor, we must do so in accordance to the rules established by the courts. We cannot use existing records given to other bodies or organizations with the risk of re-traumatize the survivor. Survivors will often be interviewed at the request of crown prosecutors only to provide clarification or additional evidence without there being any real added value to the statement. As I mentioned earlier, interviews with children should be done when necessary only as provided for in the Murad Code which is not the case here. When evidence gathered by indirect witnesses, interviews are sufficient or when the child's first verbalizations provide effective evidence, the child should be interviewed only if necessary. Here in [...], jurisprudential rules of necessity and reliability must be applied rather than those of the child’s well-being and best interests.”

2.5.1 Clear purpose:

We will have clarity on our purpose and role, why we intend to collect information from survivors, and how we will use the information collected.

Importance and additional aspects

- He asked that we do even more on explaining the clear purpose and who you are to survivors.

- “With reference to information collected and also who will –by default and possibly- have / get access to the collected information - in my experience this is an important aspect to share with survivors / victims, and referred to it in 5.6 and 6.6.”
- “Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process of what is collected and how it is used?”
- “One of the most important points is that victims are included in the proceedings, so that victims know what will be done with their statements, whether there will be legal proceedings, an investigation, etc. Victims must know where they stand since in our experience this is helpful in the processing of traumas. This issue can be found in point 4.7 (follow up) and point 5.1 (clear purpose), but there could be more attention for this in the Code or in the background paper.”
- “Media professionals must not conduct interviews with survivors ad hoc or for a 'story' to deadline. They must endeavour to interview only with consent and purpose.”
- “The key objective should consider the differentiated roles, as well as the union and institutional interests of the interviewers, thus, for example, there are clear differences in objectives and methodologies in the interview conducted by a prosecutor and that of a journalist.”
- “The objectives are different in case of journalist, tax police, etc.”
- “Don't judge and ask intrusive questions. Will take time for survivor to trust. Don't cross line of asking for certain sexual details. If you don't need it for your mandate, don't ask those questions.”
- “Note what your objective/purpose/mandate is, what standard of proof you need, etc. affects what information you need to collect- and we should be mindful for that - not ask questions or probe for details beyond what we actually need.”
- “Fear is what stops us from speaking. You must ask what the purpose is for the documenter to speak to survivor? But if that person comes with another survivor, you will be able to answer.”

2.5.2 Realistic outcomes:

We will only proceed where our objective can be realistically achieved with our resources, time and skills, without causing further harm.

Importance

- “Excellent, especially (b)[5.2]”
- “I've spoken to many documenters, but there are no results from these sharings. I want concrete results from the Murad Code.”
- “Annex A 5:2 is the most relevant to us : we have to be realistic on what we can achieve with our resources - it is likely that defence could / should only respond to immediate medical care (not psycho-social) when in extremis.”

More survivor-centred

- “The way it is worded excludes survivor. We will only proceed where our objective can be realistically achieved. If it is survivor-centered, shouldn't it be the survivor's objective.”
- “Consider: - Who decides what is realistic? - How is there the option, if the survivor chooses to engage, offered to participate in this process of what is realistic? Consider: How is there the option, if the survivor chooses to engage, offered to participate in this process of what is 'further harm'?”
- “This provision is also in tension with other provisions (they list 1.6 and 1.9) suggesting that survivors should have the agency to decide whether to provide evidence even if it causes further harm.”

Clarification needed

- “5.2 sets out 'we will only proceed where our objective can realistically be achieved'. It is unclear as to whether this refers to an output (like a report) or a concrete goal (like a form of redress).

Regardless, it is not always possible for us to know in advance before speaking to survivors what our objective is (let alone whether it is realistic), as this may depend on many factors including the nature of the violations we identify, the strength of our evidence, dynamic external factors as well as the wishes and needs of the survivors and those who work locally with them. This standard may be particularly difficult to reach by CBOs and grassroots activists, including survivor activists, who may not know what opportunities exist to achieve their objectives from the start.”

Strengthen

- “Can this be complemented with a commitment to expand resources available for the provisions of this code?”

Feedback from some prosecutors

- “For international prosecutors, there are additional obligations and considerations beyond the individual which will need to be considered. In addition, investigators and prosecutors are not always equipped to make assessments regarding whether ‘further harm’ will result from engaging with victim-witnesses who want to provide evidence in pursuit of justice but have also experienced trauma that is directly related to the evidence sought. Some form of further harm is likely inevitable when recalling traumatic experiences.”

2.5.3 Alternative sources:

We will look for alternative sources of information (for all survivors, but particularly in relation to children, and where there is a risk of trauma, harm or impact on survivor rights), and will ask ourselves whether our mandate or objective really requires the risk of approaching survivors.

Importance of alternative sources

- “In the course of my career I have always been frustrated about the fact that investigators, truth commissions staff members and investigators have a very narrow approach when it comes to documenting sexual violence: they want to talk to survivors and neglect all other sources. However, in my experience non-victims, often men, can give valuable information about a system of sexual violence. The men who bring the women to the perpetrator, drivers, medical staff in detention centres, soldiers, other prisoners, the chief of staff. This would help to document a pattern, which individual victims are not always aware of. And once you have evidence for a pattern, you don’t need as many survivors.”
- “The alternative sources point is critical. Most journalists don’t know what other sources are out there – they assume it is only the survivor that they can speak to. This needs to be addressed.”
- “Media must find alternative ways of telling story that includes trained professionals before approaching a survivor.”

Survivor-centred

- “The way it is worded excludes survivor (this last one in particular is troublesome as no mention of consent from the survivor is sought before reaching out to others). I suggest adding “with the consent of the survivor”, since some may not be comfortable with the idea of collective information from alternative sources.”
- “Consider: - How does this promote the survivor centred approach? - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is an alternative source? - Has it been considered how looking for alternative sources of information could cause further harm to a survivor?”

Strengthen/clarify

- “Probably needs stronger language; not ‘we will look for’ but ‘we will not engage if there is a risk of trauma...’
- “‘really requires.... approaching survivors and the attendant risks’? (As currently written the risk is on the documenter but I don't think that is what is meant).”

Lack of understanding/reliance on alternative sources

- “The way other people/organizations do the research is not always suitable for us to draw human rights conclusions, or speak to.”
- “In criminal cases it is not possible to complete investigative proceedings without victim's/complainant's detailed statement. Same in disciplinary proceedings.”
- She suggests that to hold perpetrators accountable, survivors' accounts are essential. This statement may be misleading [referring to Background Paper para.6(d) mistakenly prioritise survivor interviews when alternative sources of information might suffice].

Approaching a survivor

- “Replace ‘approaching’ with ‘interviewing’.”
- “Approaching survivors?”
- “Annex A: 5:3 - suggests 'approaching' a survivor. Our CRSV paper recommends we, the military, should refrain from doing this. That this opens up the potential to do harm and we should only respond (within our **caveats**) if approached.”

2.5.4 Added value consideration:

Before deciding whether to proceed, we will reflect honestly on what added value or benefit our work or actions can bring to the individual survivor. We will only approach a survivor if there is a genuine, objective added value from our work.

Importance

- “Ethical documentation is not just about creating a report. How will that benefit society? We need to rebuild social fabric. We don't get prop psychosocial support, especially for children of rape.”
- “Survivors need to be told the impact that speaking to documenters will have for them and their family first. Survivors need to understand what is the benefit for them to speak.”
- Follow up – [we] always like a response after we tell our story. Some kind of action so we can proud of what we've said and told.”
- “I feel proud when I get time to talk to someone-interacting with someone gives me hope that help might come later-might not be money, or material even guidance or directives are of help to me. Help is not material, I appreciate whatever I can receive as assistance- moral or material or guidance.”
- “Don't share with those who just take your information and go. It is very few we trust who bring something back to us and have our interest. If I think you will help male survivors, I'll talk to you for ten years.”
- “We want to know what happens to what we tell afterwards. We want feedback. Want to know where published or research done. How it helps people?”
- “The Code should specify that this process should ultimately benefit the participant, i.e., survivor. For this, the interviewers should also be prepared to identify referrals to psychosocial support services, social services, medical or legal aid. This is recommended as many survivors have informed us that they feel misused for their testimony just to fulfil the purposes of documentation and report-writing.”

Assessment of good against potential harm in ERBs/research

- “5.4 offers a chance to raise up how this notion of “added value” lives in other codes as the central principle or balancing act. For academic researchers, this assessment of whether the potential risks to people being studied outweighs the knowledge researchers may gain from taking those risks is the core ethical dilemma undertaken in the preparation stage—and it is always a case by case assessment. Point is that the assessment is made in relation to risk/harm and that could be made more clear here.”
- “Not just an added value but also what are the risks vs benefits. Unintended consequences should also be taken into account.”

Too subjective/how to really know in advance

- One big point she saw was an assumption that there was an ability of an interview to objectively assess the value of what they were doing – particularly around the Added Value part. “This principle is very much framed from their perspective. Everyone thinks their work has value – they cannot objectively value it against survivor or society benefits.” She notes the importance of an external assessment and of making them articulate what that is – and check that their assumptions are correct. A link to the commentary with questions to ask and community or survivor/survivor group consultations in advance to question that benefit is very important. We also discussed what might be borrowed from academic ethical reviews around added value and benevolence. “You have to clearly state your benefits – to individuals to be engaged and to society. If you can’t write it...” She gave an example of a very humbling experience for her on this aspect. It was a wake-up call. On a project she knew well, she wrote up her perceptions of community benefit. They then did 3 months of community soundings of what she had written. It was humbling. They red-lined and rewrote everything. They were very specific in their demands and expectations. She would propose a version of those types of exercises and steps to ensure objective value added. “Inventorying should be a required step with soundings with someone from the survivor and community groups. A peer and local partner/ community review of the added value/benefits and proposed methodology. The benefits must be concrete, realistic and financially feasible. It really needs thinking through.” She said that, “as part of that there might be an actor mapping done – you have to know who is doing what - otherwise how can you know you are adding value or meeting a need. It is part of the preparation – understand the conflict, ethnic dimensions, gender dynamics. Understands the geography, culture and expressions. Situate your work within this and within the work already being done. Articulate the concrete, objective value of your work to the survivor and the community. Get someone else to judge that – objectively.”
- “What does this mean? How can ‘objective’ value added be assessed? From whose perspective?”
- “Sets out that ‘we will only approach a survivor if there is a genuine, objective added value from our work’. If ‘approach’ here and elsewhere in the code means approach for interview, regrettably, despite due diligence, our interviews may not always be able to meet this standard. It is difficult to always know in advance if we will have added value, either in relation to a pattern of abuses, or for a particular person’s case. Until we sit down with the individual and understand their concerns, needs and wishes, potential added value for the individual is very difficult to assess. Where possible, we address this dilemma through a series of different options for action available to us. Moreover, there is also always a risk that testimonies we collect may not be used, for a wide variety of reasons. If ‘approach’ here and elsewhere in the code means any type of contact, then identifying survivors becomes yet more challenging. CBOs and local activists may again face particular struggles to meet this standard.”
- “In some ways can’t know if you’re going to add value or not, sometimes you can, if you’ve already documented the crisis, or the abuse is well known or research credible that you can cite already exists etc. If you’re just going over the same ground shouldn’t do it – needs to be a clear intentionality to it. All this makes sense but [our organization] is always pushing numbers – we can’t make this claim if you’ve only interviewed 3 people, broad generalization which may or may

not be true, but if you've interviewed 75 people then you are on much stronger ground. Making claims like CAH [crimes against humanity] etc. requires more interviews. The way other people/organizations do the research is not always suitable for us to draw human rights conclusions, or speak to. Journalists need to report on news even if others have already."

- "Yes, exactly. And how is this to be determined?"
- "Consider: - Who decides what is "objective"?"
- "Suggest reviewing this as it opens the door to subjectivity without a clear criteria to determine what would be the added value."
- "In my experience, every NGO (especially small ones) thinks their work is vital therefore this is a good point. But I suspect they will determine that they simply must conduct the interview. Added to that, my point is that these bullet points have absolutely no guidance on how to implement them. How does an organisation determine added value? There are issues with implementation around consent, storage of footage/personal data/safety etc. all the way through the document. How should they conduct the proposed actor mapping exercises etc. Should the implementation of some of these things not be considered? If we just throw a list of complex demands out there, they'll never be met. Lack of capacity. Not lack of will."
- "However, some points such as 5.4 Consideration of Added Value, seems to be framed in a subjective manner, since there are no specific criteria on what constitutes added value, how it will be provided to the victim and if the person or entity in question has the capacity to do so. For example, the chances to provide added value of government research partners may be different from a civil society research partner in direct contact with survivors."
- "Although stated as 'objective'; this is in the end a very subjective approach. Ultimately, there may be difference of options as to whether a specific action is deemed as 'adding value'; the Human Rights officer and the investigator may have different opinions of what is 'added value' depending on the aim or objective of the documentation or investigation."

Survivor-centred approach

- "We are also worried that the requirement in article 5.4 of the draft code which sets out survivors must not be approached before certain criteria are met, discussed above, also undermines survivors' agency. This is because it negates their ability to make an informed choice about whether and under what conditions to engage with those seeking to document and address CRSV."
- "Consider: - Who decides if a choice is 'genuine'? - Why does a choice need to be qualified? - What tone is created by qualifying a survivor's choice? - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is 'objective'?"
- "In the case of [...], the victim's participation is a central axis of the procedure. [Then someone has added 'I don't understand this comment']."

Approaching a survivor

- "Replace 'approach' with consider interviewing."

Connection to Principle 8.3 non-exploitative

- "I noticed that some journalists know how to enrich their organisations, how to be exploitive and used for their purpose our stories. Radio took information from us to get funding and not used it to help us, only to help themselves. They lost my confidence and trust and not want to share anymore."

Additional aspects

- “If not part of purpose that adds value or has benefit, applies to the questions you ask too - Don’t judge and ask intrusive questions. Will take time for survivor to trust. Don’t cross line of asking for certain sexual details. If you don’t need it for your mandate, don’t ask those questions.”
- “It would be nice to encourage interviewers to apply this principle to each question they ask.”

Softening

- “This can be under “Clear Purpose” as 5.2.”
- “For example, Section 5 Add Value or Don’t Do It, 5.4 Added Value Consideration may not always be applicable in the case of an open criminal investigation where the survivor is a victim or a witness.”

2.5.5 Reducing exposure:

We recognise that *even one interview and certainly* multiple interviews can cause *discomfort or further trauma, harm and stigma* and may create inconsistent or inaccurate/contaminated records which may hinder a survivor’s rights, including to access justice or reparations. We will actively seek to reduce this exposure.

Some of the suggested edits from commentators are included above in red tracked text.

Importance

- “Because as a survivor I gave an early very detailed account, didn’t need to keep re-telling.”
- “There is a psychological impact to re-telling story.”
- “Don’t judge and ask intrusive questions. Will take time for survivor to trust. Don’t cross line of asking for certain sexual details. If you don’t need it for your mandate, don’t ask those questions.”
- “Victims get sent from office to office, having to tell their story every time.”
- “As noted earlier, I would move this up to section 2.”
- “Maybe different language to heighten the importance of this principle, like ‘not create this exposure’.”
- “In a media tour situation or a press conference - media must respect that the survivor is under pressure and scrutiny in an intense period of time.”
- “Media should not ask the survivor repeated questions and ascertain what areas they may want to talk about and those that are off limits.”
- “The obligation to reduce the exposure of survivors should be expressly stated when requested, especially when strategic litigation is ongoing.”
- She explained that the first information collection was often done poorly, whether victim was assisted or not, so they have to go back to victims for more information and clarity. “For many victims, the first interaction is an important and meaningful moment, so it is important to do it right.”
- When she was in eastern DRC, she was always surprised about how everyone focused on numbers, numbers of interviews, etc. Wrong incentives. Also lack of coordination, lack of effort to avoid re-engagement with survivors.
- “[Courts] can have so many units/ sections/ organs engaging with victims. It’s confusing for victims. If [they are a prosecution witness], they would first have been seen by psychologist (screening, perhaps had to tell story to some degree, but not necessarily), then by investigator (perhaps several engagements by investigators), then by prosecutors. [If we share information, we do not need to keep re-asking.] Then someone goes to courtroom where they are asked again and again.”

- “But, for every survivor, multiple engagements [in a court process]. [We] have talked about this a lot, how for victims engaging with [a court] is so demanding.”
- They referred to criminal cases where the judges had specifically ordered further questions and more questions of victims.

Survivor-centred approach

- “Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what exposure the survivor desires?”

Connection to information sharing/alternative sources

- She wanted to talk about reducing exposure – and the damage of multiple interventions. She is worried that the part about information sharing should start from a survivor choice – that the wording should be clearer. “Otherwise who chooses to share and with whom- and that could mean being identified. It needs stronger clarification – as survivors may not be aware of the consequences and it conflicts with confidentiality.”
- “Including to self-incrimination.”
- “That is why it is necessary to look for tools that allow that when people change the cases and the documented stories remain, and that the people who continue to be able to know them without having to re-interview the victims and expose them a new story.”

2.5.6 Information sharing:

*We will discuss with the survivor the possibility of sharing interview notes/records with other trusted actors in order to avoid any unnecessary duplication or exposure to further trauma or other risks. Any sharing of information should be risk assessed. Where we can safely share information and the survivor has agreed, we will do so, **and where the survivor has not provided consent to safely share information, we will not do so.***

Some of the suggested edits from commentators are included above in red tracked text.

More survivor-centred

- “We suggest that this principle is reviewed. Sharing of notes/records which identify the survivors should be exceptional, because of the risks it poses to survivors. Sharing of other information where the survivors is not identified can instead occur.”
- She wanted to talk about reducing exposure – and the damage of multiple interventions. She is worried that the part about information sharing should start from a survivor choice – that the wording should be clearer. “Otherwise who chooses to share and with whom- and that could mean being identified. It needs stronger clarification – as survivors may not be aware of the consequences and it conflicts with confidentiality.”
- “Finally, the Code should be more specific in stating that any sharing of information should be based upon patient consent. Avoiding re-traumatization is a good intention, but survivors should give their written informed consent to any sharing of information to third parties, including journalists if information gets public, or to international commissions of inquiry, to ensure their free decision to get involved in the process. The Code should also clarify that any sharing of information should be done respecting i) the principle of needs-to-know basis (some medical information can never be shared), and ii) the principle of specificity, i.e. that consent to share information to human rights experts does not mean consent to share it to journalists.”
- “Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what should be shared?”

Ownership with the survivor

- “It is our concern that the Draft Code presumes that ‘ownership’ of documentation is given to ‘international’ documenters, and that they will decide how this data is managed. Given that the Draft Code emphasises the need for co-ordination and co-operation between target groups (Draft Global Code 4.6), and the need to prevent reduplication of documentation, we are concerned that this approach will lead to centralised documentation holdings by ‘internationals’, who will then decide what data is provided to which ‘internationals’, and whether data additional to those holdings is necessary. Both ‘international’ documenters and holders of data are never ‘neutral’ document holders, but have their own financial and political interests.”
- She mentioned another challenge – getting prior statements, even with the survivor’s consent. NGOs refuse to provide them as if they own it.

The burden of specific consent for sharing information

- “Frequently I’ve observed that in order for investigators to ‘tick the box’ of consent they overwhelm the survivors with specifics that the survivor couldn’t possibly understand. An example of this is when people start an interview by asking the survivor ‘do you give consent for us to share with domestic mechanisms, with UN Bodies, the ICC... etc.’ The same goes with sharing and storage of information. The other side of this which has happened in the Rohingya context, when most of the first wave of investigators came through the ICJ, ICC and the IIMM did not exist so in the early documentation craze, no one would have got specific consent to share the information with any of the subsequent accountability mechanisms which would be very disappointing to the survivors to learn. Particularly because these early phases of documentation is mostly about getting general statements, it is a real shame that this information cannot be shared with the actual legal processes who can use these as lead statements to identify potentially helpful witnesses, and then go and conduct their own interviews. In my experience, survivors talk to investigators usually with the expectation it is used to ‘get justice’ and therefore would actually feel positive about an ICC investigator contacting them two years down the track and saying ‘I received your information [...] and I thought you would be helpful, could we please conduct a longer interview so we can use your story in the ICC proceedings.’
- “I appreciate the need for specific consent, however this language you’ve used I think is more likely to pass the burden onto survivors and still not necessary produce their desired outcome which may just be ‘justice’. In terms of a solution, being able to remain in contact with survivors and vice versa is the most straight forward method that we use. Each new opportunity to share information we just go back and take the specific consent on that occasion, which also is positive for the survivor because they feel included in the process and get regular updates. We take a bit of a draconian view of statements verging on ‘it’s their intellectual property’ which I’m not necessarily saying has to be adopted by all (although it certainly would be welcome), but this is what we have done to address the problem of specific consent. If teams are not in a position to set up a system like that, then I would suggest removing ‘specific’ consent. If you speak to the [two organisations] teams as well as the Rohingya community you will see that specific consent hasn’t served anyone well.”

More guidance

- “How are standards, that already exist, on information sharing already considered?”
- “One of the concerns raised by practitioners is insufficient coordination. While the Code acknowledges this as an issue, it does not suggest any solutions or good practice to ensure coordination and avoid re-interviewing or other harmful practices.”
- “It also does not mention the work done by medical practitioners, linked to the specific duty to respect victims’ consent in any sharing of medical information, and to safely store any information collected (right to privacy).”

- “The part about sharing interviews with others. I agree that repeating interviews poses risks to trauma exposure for the survivors. But in the case of a survivor wanting to publish their story through media outlets, sharing interviews with just any journalists would risk their safety because not all journalists have the same perspective. Journalists need to have additional guidelines on how to share survivors’ information.”
- “While in theory, this is a good idea. I wonder how it can be done without compromising survivor confidentiality? And also, if not mentioned below, there needs to be some discussion of how data, information from interviews is being stored and shared.”
- “Referring back to para. 4.6 here above; specific parameters and guidelines would have to be in place with information sharing (how, when, by whom, for what reason).”

Connection to informed consent

- “We suggest to revise the elements unpacking the principles of the Code as at times these are repeated or scattered in more than one principle (e.g. informed consent, elements of it are included in 1.4 and 5.6).”
- “If media seeks to share information with legal professionals they must ask consent.”
- “We suggest to link this to the request of informed consent.”
- “Don’t refer survivor’s name to someone else without asking survivor first.”
- “It also does not mention the work done by medical practitioners, linked to the specific duty to respect victims’ consent in any sharing of medical information, and to safely store any information collected (right to privacy).”
- “After ‘any sharing of information’ add including with possible accountability mechanisms that currently exist or may be established later.”

2.5.7 Prior interviews:

We will take steps during preparation to find out whether a survivor has been interviewed before and make the effort to obtain and use existing records instead if it would replace the need for our work (if the survivor has agreed). We will ask the survivor again before commencing any interview.

Some of the suggested edits from commentators are included above in red tracked text.

Order and placement

- “Yes, so explicitly mention under 4 as well.”
- “Other times, they seem to be displaced (e.g. 5.7 on prior interviews might be better placed on principle 4 on preparation phase).”
- “We would suggest to link this with the preparation phase.”

Survivor-centred approach

- “Consider:- How could these steps cause additional harm to the survivor? - How does this align with section 1.3, 1.4, 1.5 and 2.6?”
- “This raises a question of case/survivor selection or recruitment. Any thoughts on how this is to be done ethically? What coordination and consent is required to track certain people down, based on prior interviews, in the first place?”

Other

- “‘... if it would replace the need for our work.’ Because not all prior interviews can be used ‘instead’ as they are not of sufficient quality.”
- She mentioned another challenge – getting prior statements, even with the survivor’s consent. NGOs refuse to provide them as if they own it.

2.5.8 Inform survivors of duplication risks:

Where an additional interview will objectively add value to the individual survivor and is really required for our work, we will explain the benefits and risks of re-interview to the survivor and give them the space and time to decide whether they are willing to take the risk. If they choose to proceed, we will be specific and intentional in our methods to maximise that added value and minimise the risks of re-interviewing.

Some of the suggested edits from commentators are included above in red tracked text.

Clarification needed

- “Suggest rephrasing. Again here, I think the reference to ‘objective added value’ is confusing. I also think that it will be difficult to implement this point practice and that it can be misunderstood/misapplied. It may not be clear to all those involved in an interview what are the duplication risks and how to assess them.”
- “Perhaps a word other than ‘objectively’ could be used here. It may make sense to encourage the interviewer to consult others relevant actors for to minimize his/her/their bias.”
- “reinterviewing?”
- “Suggest to remove ‘duplication’.”
- “What are the benefits above and beyond the benefits you will already be explaining as part of the informed consent process? What is the specific risk to be explained? Are we asking a bit much of survivors to assess how, say an in-depth criminal interview, is a risk following a ten minute interview with a journalist? ‘we will be specific and intentional in our methods to...’ I find this a bit vague itself though. Why not just say we will minimise the risks?”

Survivor-centred approach

- “Think there needs to be something in here about communicating with the survivor what the added value for them is, and being very clear about what is possible and what is likely in terms of added value. In other words the expectation management point but also an ownership one: the survivor should be the one to make the call on if the added value makes it worth it for them to commit.”
- “‘for our work’ - Again, this sounds very interviewer-centric.”
- “Consider: - How is there the option, if the survivor choses to engage, offered to participate in this process of deciding what is ‘objectively add value’ and ‘really required’? - How is the survivor included in the word ‘our’? - How does this align with the survivor-centred approach?”
- “Consider: - How does this align with 2.2 (recovery first)? - Who decides what is a ‘benefit’? - How is there the option, if the survivor choses to engage, offered to participate in this process of deciding what is a ‘benefit’?”
- “Consider: - How is there the option, if the survivor choses to engage, offered to participate in this process of deciding what is ‘specific’ and ‘intentional’ and ‘added value’? - How does the tone/delivery appear using the words ‘they’ and ‘we’?”
- “We suggest to link this to informed consent.”

Too subjective

- “This is part of the problem. Everyone thinks that an interview is ‘really’ required. How could this be less subjective?”
- “Media should be mindful that any recorded statement from the survivor can be used in a future legal setting.”

2.6 PRINCIPLE SIX: SYSTEMS, COMPETENCY & CONTINUITY/SUPPORT

Consider the title

- “6.5. Great - a very important point on ‘support’. With regard to its importance, I am inclined to think that its importance shall also be reflected by mentioning it in the heading of section 6. At the moment, we have figuring here: “Systems, competency and continuity”. Support could be mentioned instead of continuity. I think that continuity could rather fit to “follow-up”, as exposed under 4.7.”

Order:

- “Re the title: I would reconsider the order of these. For example, if a team does not have appropriate competencies, experience or systems then they should not even be considering to conduct interviews. That should come before ‘making the time and the space’, for example. There could almost be a flow chart on this to help guide decisions.”

Additional core commitments which could be added to Principle 6:

Team selection (or Principle 4)? gender, age, local knowledge/expertise

- “Documenter should be age appropriate. Don’t want documenter to be same age as my children.”
- “I can’t speak to someone young like my son’s age. I want a peer to talk to.”

Language and interpreters (or Principle 4?)

- “Language is important. Language is often offensive – e.g. no gay neutral language in Arabic or Kurdish so survivor often offended and alienated from the start. Language and questions are triggering for LGBTI. Arabic/Kurdish refer to gay men as “faggot”, [we] must find or create other terms.”
- “Language is important. Don’t say ‘tell us what happened to you?’ Sexual abuse is not a ‘happening’. Tornados are a happening. I would phrase it as, what was done to you? ‘this was done to me’”
- “If I don’t feel good about an interpreter, if they aren’t interested or aren’t professional, then I won’t share my story.”
- “Also need to address working through interpreters. So much to consider and do on that front.”
- “Interpreters (and others present) can cause significant harm through confidentiality breaches, poor interpretation, disrespect (especially to LGBT persons or sex workers or other marginalized groups). We always orient our interpreters and have them sign a Code of Conduct, which underscores confidentiality, respect, safety, and accurate interpretation even if they disagree with what the survivor is saying. Perhaps something to consider.”
- “Very important to vet interpreters and do trainings with them. They need to be respectful too.”
- “Interpreters must be trained and understand the terms and language. [We do] not use external interpreters. Train and keep on staff internal interpreters. Will ask survivors if comfortable with interpreter.”
- “The draft code should include references to using properly trained interpreters.”
- “Point 6.1: special attention must be paid to the interpreters, who are the first direct contacts for survivors. They should be carefully chosen and trained.”
- “Very important to vet interpreters and do trainings with them. They need to be respectful too.”
- “Should have mobile teams who go to communities.”
- “It might be valuable to include a line about striving to create trauma-informed institutions and organizations.”

2.6.1 Competencies, skills and attitudes:

We will approach survivors only where we have taken steps to ensure the necessary demonstrated skills, competencies and attitudes within our team (including intermediaries, interpreters and others acting on our behalf), and the soundness of our gender-sensitive and victim-centred methodologies. These skills, competencies and attitudes include but are not limited to: diversity; child, age and ability appropriate sensitivities; gender and local context awareness/expertise/experience; sexual violence and stigma sensitisation; ethical and safe interviewing and language/communication skills; technical skills to protect and preserve documentation and basic trauma awareness/expertise/experience and understanding.

Some of the suggested edits from commentators are included above in red tracked text.

Importance/greater emphasis

- “I went back closely over the provisions on skill and competency and found them really well-drafted (specifically, that it is phrased carefully not to require just training but actual competency).”
- “The Code should put emphasis on principles 6.1 and 6.4, ensuring that all actors approaching survivors should have the necessary demonstrated skills, competencies and attitudes and that only those with specialised training and experience working with children may interview child survivors to avoid re-victimisation. It may be helpful to underline that the Murad Code can be a valuable tool to ensure safe, ethical and effective practices to support the rights of survivors but it may not be seen as a way of dispensing interviewers from the necessary in-depth training needed to conduct interviews, especially when it comes to child survivors (e.g. celebrities are cited as those in direct contact with survivors which may be problematic and this should not be encouraged, especially when no specific training has been received).”
- “[This] does not come from a 2 week training.”
- “National and international mandatory training and sensitization programmes must be set up for investigators, prosecutors, judges, police, members of large institutions, etc. with regard to sexualised violence and its social consequences - with the significant involvement of experienced feminist activists.”
- “Is that list comprehensive?”
- “If I don’t feel good about an interpreter, if they aren’t interested or aren’t professional, then I won’t share my story.”
- Referring to Background Paper para 7b – “We would not wish for the Military to add to this. We presently have individuals trained in national investigation but not overseas which will have more context sensitivities.”
- “The training done by [...] including on trauma identification and managing. Of course, as always, too limited time for training, but they’ve seen how it helps practitioners to better understand trauma and work that into their work.”

Deal with the othering/specialism of CRSV/mainstreaming competency

- She believes it could address specifically the ‘othering’ of CRSV – “where special competencies are required but so far are not mainstreamed. So special expertise only focuses on CRSV but other teams work on the other atrocities. This is a problem, as mentioned above. How to manage the overlap or the distinction where CRSV is not in a vacuum.” She agreed that mainstreaming is important – that it is not silo-ed. “If everyone has some training or you have mixed teams, it helps avoid separated approaches.”

- She agreed that the specialism approach can lead to more interviews and retraumatisation. She believes this is mentioned in the Code (Add Value and Preparation as a Foundation) but more needs to be said on this.
- “A good practice to consider: this is the case of Colombia, where the Special Jurisdiction for Peace (JEP) has incorporated gender training and differentiated approaches of its researchers, prosecutors, documentary makers, etc. In addition, commissions or working groups on the issue of gender and ethnic focus were institutionalized in each instance, as a way to guarantee intersectional work and a differentiated approach.”

Other aspects of competency not mentioned

- “It is suggested to spell out better the need to understand the gender dynamics within the victims/survivors’ context, as well as the importance to integrate a gender perspective throughout the interactions of users of the Murad Code with them (e.g. principles 4 and 6). Training-sensitization of the interviewers is required in relation to the dimensions of sexual violence against women and especially vulnerable people, as well as its differentiated effects.”
- “It requires a high level of training for those who are expected to comply with it. The right of the survivor to not want to pursue ‘justice’/legal action is very important and documenters must be trained to respect that.”
- “Article 6.1 speaks about basic trauma awareness and understanding. It is important to consider that an experience of trauma may impact the survivor’s memory and capacity for linear re-telling. In addition to the interviewer considering the pace of the survivor, it is important that they also follow the order provided by the survivor, and do not bring emphasis to components of the narrative that the survivor is not ready or willing to share.”
- “Add: ‘interviewing skills, including (basic) knowledge of how memory functions’ (as memory is really the material we are working with in investigative interviewing)”
- “If the code is intended to for instance form part of or instruct training curriculum we think it would do well to include more concrete actions. Much like the field we work in. I imagine that officers around the world receive very little training on how to deal with survivors of sexual violence. Given that officers in most countries globally receive little or no training in how memory works, cognition, communications and questioning. I assume they do not receive much in terms of knowledge of how for instance trauma affects memory and communication skills.”
- “In 6.1, we think there needs to be more about basic trauma awareness, as research has identified this unintended outcome as a real problem. Perhaps enhance this point throughout.”
- “Interviewers should also be trained to anticipate and respond to feelings of guilt and self-blame in the survivors in a culturally sensitive manner in each specific context.”
- “Add ‘gender’, basic skills for survivor centered referral. Also add psychological first aid.”
- “At least psychosocial training must be had before the people who are going to document the cases have contact with the survivors in order to avoid causing damage in the actions that seek to accompany the different processes of the survivors of acts of sexual violence.”
- “A big challenge is training (etc.) intermediaries [who are working with victims in their communities]. They mostly are educated people, who can write, etc. Some of them are poor and victims themselves. There is no payment for their [...] work. Usually, the process to identify and have potential victim [engagement] is rushed, with short deadlines. We seek to ensure that intermediaries follow heavy protocols [with] victims. It requires lots of training and tools.” She explained that it would help if donors were prepared to fund training for intermediaries, to amplify knowledge and skills.

Heightened vulnerability assessment/knowledge when specialist needed

See also Commitment 6.4.

- “In our research on interviewing vulnerable persons we found a lot of English language practical guidance developed for officers [...]. The NGO and UN materials we had from before was more concerned with listing vulnerable groups rather than explaining what it means to be vulnerable in the interviewing setting, how to assess potential vulnerability, and finally what to do when you suspect that your interviewee is vulnerable. One issue we have encountered on numerous occasions is the idea that police officers should assess vulnerability. We do not think this is sound advice because we do not trust that the majority of officers have sufficient education and training to do so. Many countries also have cultural/religious values that we consider prejudiced and anything that grants police more authority to categorize interviewees is detrimental in our opinion. The police have enough power as it is. Accordingly, we recommend that officers receive sufficient training to know when they are confronted with someone requiring an interviewing officer with specialist training. This is of course not readily available in most countries, including here in [], but an aspiration. If the officer chooses to proceed they should know enough to proceed with extreme caution where specialists are not available. The Murad code can certainly be of great value in this regard.”
- “LGBT being misidentified-trans hate crimes-few police can categorise crimes against LGBT -if not see them as gendered identity-trans and non-binary killed because they might not know they are. Maybe identity is reason for a crime, but they are afraid to tell.”
- “Make sure documenters have expertise with children and LGBTQ, if not, find those who do.”

If no demonstrated competency, don't do it

- “Some people have no capacity and should not do this work.”
- “A separate section that applies specifically to those who are not experts or experienced in interacting with survivors, or to those who play a short-term role in interactions could be useful.”

Strengthening

- “Instead of awareness ‘Expertise/experience’.”
- “I think the skill part of this paragraph needs strengthening with clear reference to training and monitoring/supervision of the team.”
- “In [], sexual assault investigators must have successfully completed specific university training to be able to conduct this type of interviews. This training is specific and focused on evidence-gathering and more particularly on interviewing survivors of sexual assault. The Murad Code is clear on the need to investigators to be trained but vague on which training they should receive. Whether or not a 2-day training given by [...] would be sufficient is unclear. The code should, in my opinion, provide a mandatory minimum certification for interviewing adult survivors but a more extensive one for interviewing children, as is the case here in [...]. It is essential that anyone cannot improvise as an interviewer and cause more trauma than good to the survivors.”
- “Intermediaries, interpreters, etc.: The reference to the use of local actors (intermediaries and interpreters) is good, but I think needs supplementing to recognise the challenges and dangers this also has when working with survivors of sexual violence - i.e. the fact that they should be carefully selected in accordance with clear, publicly available criteria which in turn is cognisant of the potential implications and risks to survivors of being identified within their community (I think this is touched on in 6.1, but lacks specificity).”
- “Training of GBV response service providers: The code does not provide any guidance on required training of actors intended to implement the code. Training GBV response service providers including case managers, on clear and concise language and information around documentation and investigation processes – what are the risks and benefits of a referral and how and for what purpose will the survivors incident be used, is essential. It is imperative that first responders understand the process to be able to pass on accurate information to survivors and facilitate referrals when the survivor requests. Moreover, it is even more imperative that non-GBV specialized actors who might have direct contact with GBV survivors in their respective capacities,

are trained on core concepts, principles and standards for information and documentation. This gap should be addressed in the commentary that will discuss the operationalisation of the code.”

- [Re Background Paper para 7(c) unaware of methods] “The people who do this work must have expertise in caring for survivors of sexual violence or receive prior counselling and training from people who have technical and psychosocial knowledge, understanding the dynamics and scarcity of resources.”

Softening

- “Articles 6.1 and 6.2 set out a wide array of trainings that we are required to have, as well as setting out that “we will...become familiar with relevant professional technical guidelines and manuals, and consult with experts”. This is another provision even we would struggle to meet as currently formulated. Although we agree it should be a standard that [] and similar international organisations should aim to, we do not think it is reasonable standard to expect of CBOs and grassroots activists, including survivor activists.”

Too subjective an assessment?

- “Consider: Who is responsible for this process?- Who is deciding which skills? - Who is defined as an expert? - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is an expert, skill, and guideline?”
- “On the Commentary: Will this discuss or make note of the minimum training that all actors involved in investigating/documenting should receive?”

Conflict with survivor-centered approach?

- “Some inherent conflict between provisions – if a survivor wishes to talk but there is no one trained properly? Or alternatively if an older child survivor expresses a strong desire to be interviewed but the only available interviewer isn’t trained (and there is no prospect of a trained interviewer) then the Code would require the interview not to proceed (or at least there is a conflict between two provisions). How can/should this be resolved?”
- “Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is a competency, skill, and attitude? Is that list comprehensive?”
- “How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is an expert, skill, and guideline?”

Criminal justice specific

- “Even in those jurisdictions which profess to have skilled investigators and prosecutors and advanced investigative skills pitfalls arise - cases are lost and complainants disappointed. Accordingly, those collating the evidence, if not a trained investigator must familiarise themselves with the basics of dealing with potential witnesses and collating evidence which can hold up in court, if the offenders are to be brought to justice.”
- “General interviewing skills are not enough. This is a key problem where survivors are interviewed but people don't know the correct interviewing skills to collect the data needed for a justice process - and instead they collect information that cannot be used. Add after interviewing skills ‘for documentation of crimes related to GBV, including CRSV; technical skills to protect and preserve documentation’.”

2.6.2 Technical guidelines and standards:

As necessary, we will take time to further develop these skills, become familiar with relevant professional technical guidelines and manuals, and consult with experts.

Strengthen:

- He commented on 6.2 and 7.2 – the commitment to continued learning. He thought this should say more and be more specific – “keep up to date on evidence-based techniques, keep up to date on the effects of trauma from the event and also from the interview/interactions/response to the event.”
- “It is recommended to reinforce the language, to avoid leaving it up to the documenter’s understanding of ‘necessity’ and rather including language like “in all contexts, we will make sure to develop skills...”

Too subjective?

- “Consider: Who is responsible for this process?- Who is deciding which skills? - Who is defined as an expert?”

Survivor-centred approach?

- “Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is an expert, skill, and guideline?”

Other

- “Good in theory, but is it practical?”

2.6.3 Limitations of expertise:

We will be honest about, and stay within, the boundaries of our skills and understanding of the context. We will recognise our own capabilities and limitations.

- “Excellent point.”

Strengthening:

- “Also knowledge, not just skills.”
- “‘recognise own capabilities and limitations’ - Should there be language that indicates that these people will address these limitations during the planning process and will assess whether a project should proceed if limitations are a hindrance or put survivors at risk?”

Too subjective?

- “I agree but find this too vague – how do we help people make a frank assessment of their capacities/skills? [There is] some guidance in [a new] SGBV toolkit, which I can share – but it’s hard. People have the best intentions. They still need objective ways to assess themselves. E.g, are they familiar with the components of trauma-informed care? Do they know what psychological first aid is and can they administer it? Do they know how to ground someone at end of interview? These are concrete skills that people can learn but may not even know about, so it’s impossible for them to assess their competence. Maybe take a look at Tool 4 in the brand new, revised toolkit on SGBV disclosure for Mexico context (2020): <https://www.refworld.org.es/docid/5fe0c60c4.html>.”

Survivor-centred processes?

- “Consider: - Given previous comments, consider the limitations and how to reword this sentence? - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is a limitation?”

2.6.4 Interviewing child survivors:

Only those with specialised training and experience working with children (specific to age, development/gender and evolving capacities and needs) will interview child survivors, taking into account the best interests of the child.

Some of the suggested edits from commentators are included above in red tracked text.

Note: See comments above about strengthening child provisions.

- “And those with heightened vulnerabilities (or create a separate principle for those who need additional support).”
- “Similar guidance could be included with regard to persons with special needs/disabilities (e.g. mental health).”

Importance

- “I would emphasize why and be sure to present resources in annex.”
- “Either 6.4 or 7.8 might be added: We realize that child witnesses are particularly vulnerable to suggestive interview practices.”
- “Media should refrain from interviewing children or filming them.”
- “I do not think we would be able to do this. Absolutely not - I don't believe we should with any survivors especially children.”
- “I love the child interviewing [provision], I agree only those with expertise should be interviewing child victims, however we do not currently have that capacity and it's tragic. That is my top priority for 2021.”

Further guidance

- “Consider: - Which ‘specialised training’ is being applied for this? - What ‘experience’ is sufficient? - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what skills and experience is needed?”
- “Using Child friendly techniques.”
- “In this case, you must have the accompaniment of a professional person in psychology or social work.”
- “There are various courses and training modules for interviewing children. How will an assessment be made if a person is qualified and sufficiently trained to interview children? Who will make this assessment? How will it be enforced?”
- “In 6.4. I'm not sure about this one being applicable in other areas. We think if academic researchers count especially trained to do research on human subjects where there are IRBs reviewing vulnerable population work, that is fine. Same may be true for lawyers. Again, another place where it may help to parse out some more caveats to help folks in a wider range of contexts.”
- “Recommend all persons interviewing survivors receive at a minimum, basic training on GBV core principles.”

Ensuring agency of children if lack of specialists

- “The concern I had in [] was that if you create a very high methodological threshold, as many NGOs did, then there are certain communities you basically cannot talk to children since there is no methodologically sound way of doing so. But then what happens is you increase the marginalisation of those communities by not contacting them at all. So we were weighing up does the “best we can do in the circumstances” do more harm than the harm of marginalisation of them being totally excluded from the (in this instance) policy conversation about justice that

would impact them. I worry that introducing a high bar causes risks of a) increasing marginalisation and b) reducing agency. A possible option to at least discuss with experts is around alternative means of encouraging participation of survivors. For example: ‘if and where there is a real possibility of significant added value to the survivor or harm to the survivor if they do not participate and so cannot shape policy that impacts them, then the survivor should always be given the option to participate. Even when the exigencies of circumstances preclude a full implementation of all other elements of the code, the final and fully informed decision as to whether to proceed in imperfect circumstances should lie with the survivor’.”

2.6.5 Appropriate support and response:

Following our support service mapping under Principle 4, we will only proceed when there is at least appropriate basic/adequate support and response in place to address potential psychological harms which may arise from our work, or acute medical, psycho-social or security or other protection needs which should be addressed before an interview. If no such support or response exists, we must consider ad hoc or remote support or (allowing time for) the creation of the necessary capacity first before proceeding.

Some of the suggested edits from commentators are included above in red tracked text.

Importance for survivors

- “It’s not a priority to talk to documenters first. We need care first. We need to invest in services first, receive support, like medical, mental support first. Documenters need to make sure that they approach a person who is in the right mind to talk. Assess if they can speak and share or are they too vulnerable?- Some people are just not ready. Do a risk assessment first. Every survivor is different-each has different ways of sharing. Some could write-exploring options for the individual.”
- “Get treatment first.”
- “Documenters shouldn’t just come and then leave the territory. Should help create permanent support for survivors. Needs to be social transformation.”
- “From start of documentation, survivor should get medical, psychological care.”
- “Ethical documentation is not just about creating a report. How will that benefit society? We need to rebuild social fabric. We don’t get prop psychosocial support, especially for children of rape.”
- “Survivors need help. We are single mothers with children. We have no money and no jobs.”
- “Another area is that of psychosocial support: when survivors are asked to reiterate their stories of trauma, it will necessarily bring up emotions and vulnerabilities. Survivors are likely to carry scars of their attack long after their perpetrators may be incarcerated, and some develop post-traumatic stress disorder (PTSD). Survivors tend to feel isolated by their traumatic experience, and it is therefore vital to ensure the provision of psychosocial support in the process of interviewing and documenting their experiences.”
- “I know this is tricky and also controversial. Would remind of importance of psych first aid here and how at a minimum, interviewer should be versed/able to deploy it.”
- “6.5. Great - a very important point on ‘support’. With regard to its importance, I am inclined to think that its importance shall also be reflected by mentioning it in the heading of section 6. At the moment, we have figuring here: ‘Systems, competency and continuity’. Support could be mentioned instead of continuity. I think that continuity could rather fit to ‘follow-up’, as exposed under 4.7.”
- “Protection services – the importance of not accessing to justice without social services and PSS [psychosocial support] follow-up. Improvement on this aspect is hugely needed. It is one tool which women need to exercise their rights.”

- “Support service mapping has been a perennial issue, it is worth thinking about pushing for political will to better resource such networks, as well as to develop better relationships with local networks who could step in.”
- “In cases of documentation of cases of survivors who are victims of sexual violence, psychosocial support must be taken into account, in cases of project execution, it must be a requirement on the part of the cooperators for their approval.”
- “Knowing about support that is available to survivors and the ability to refer should be a minimum requirement before any engagement.”

Accompaniment

- “If documenter sends me someplace else to tell my story, accompany me there. Provide support to me.”
- “Need support to find services so not doing it all alone when you are already in vulnerable state.”
- “Having psychological and emotional support was crucial.”

Survivor networks/groups

- “Best if survivors speak to other survivors, join survivor organization/group before speaking to documenters. Better if they get help before speaking to documenter.”
- “The best way to get people to talk is to expose them to other survivors and to hear their experiences. Everyone says it’s important to find other survivors to speak with, but also before speaking to documenters and documenters should encourage it for survivors if they have not found support yet.”
- “Important to join a support group. I am more motivated to share when with others who experienced the same. It reduces depression and trauma. We understand each other.”

Strengthen

- “Why only acute? Who assesses if these needs are ‘acute’?”
- “It is important to explicitly include references to language and translation/interpretation capacity.”
- “Provide referrals so can heal. Have interpreters with them in the hospitals to help translate everything. It’s a whole package that is needed.”
- “Ok, here 4.5 addressed. None the less, important that referral also follows guiding principles, thus requires training in basic skills for referral.”
- “We suggest to stress again here the importance of mapping as well community/local support available.”
- “Referrals to services is included under Preparation as well as 6.5 Appropriate Support and Response, but I suggest explicitly saying that interviewers need to offer this information to every survivor. They must map out existing services (including that will be able to manage/treat male, LGBTI, child, etc survivors), document the type of service provider (mental health, medical, etc), the location, hours, and telephone number, and offer this info to all survivors in local language (on a card or sheet). Survivors may refuse – that’s fine – but it should be offered. I’ve been in many situations where services ARE available, but interviewers and/or survivors don’t know this or don’t know how to access them. Mapping and preparation alone will not solve this problem – they must actually give/offer the info to the survivor.”
- “The Murad Code should reiterate that services must be in place before any documentation is carried out. The MC can refer to the 2007 WHO guidelines on this: https://www.who.int/gender/documents/OMS_Ethics&Safety10Aug07.pdf.”
- “We must ensure that there is a mechanism to respond if a survivor or organisations experience physical protection threats because of the interaction/documentation. This is a real problem and gap that needs to be addressed, particularly if remote techniques will be used.”

- “Use of community structure for social protection mechanism i.e. the survivors for sexual violence in [] Network offer refugee in the absence of safe spaces and shelters.”
- “Needs may arise during the interview (including disclosures).”
- “Psychosocial support before, during and after.”
- She also emphasized the need to for psycho-social support for survivors after the interview has been conducted. She feels there is a lack of follow-up especially in circumstances where international investigators travel to a location for a short period of time, conduct interviews with survivors, and leave without making any further contact or ensuring there is a system in place to provide follow-up support.
- “Point 6.5: the support provided (either existing or remote/created) should be sustainable.”
- “Recommend that there should be a psychosocial multi-disciplinary intervention team consisting of doctor, lawyer who can intervene with social leaders who know the conditions of the community better.”
- “Re Background Paper para.7(e) lack of medical and psychosocial support, add ‘and when they do receive it, it seldom takes into consideration the cultural or religious contexts that imply different forms of emotional and spiritual accompaniment’. Plus legal and economic support and ethnic-cultural relevance.”
- “Insufficiency of mention to priority of access to medical and mental health care. We are of the view that the Code does not sufficiently mention the fact that medical and psychological needs of survivors (“recovery first”) are the priority.)”
- “Stronger emphasis on timely access to quality healthcare services (“recovery first”): Access to care and recovery of the survivors should be guaranteed and safeguarded before criminal procedure and collection of testimonies for other purposes are employed. As a [humanitarian] organization, we strongly urge all actors to ensure that survivors have both timely access to quality healthcare and opportunity to seek protection and criminal justice mechanisms. The departure point should be immediate referral to adequate medical care and psychosocial support for the survivors, as well as possibility of referral to follow up medical and psychosocial services; While we acknowledge that there is often a limited availability of adequate healthcare services, stakeholders should first identify proper medical and psychosocial referrals before directly engaging with survivors. The Murad Code could clarify that access to immediate medical care after sexual assault is critical in order to limit the potential consequences. For example, survivors of rape receive post-exposure prophylaxis within 72 hours to prevent HIV in case of exposure; prompt emergency contraception received promptly is most effective; safe abortion care; antibiotics prevent sexually transmitted infections such as syphilis and gonorrhoea, vaccinations for tetanus and hepatitis B; psychosocial support and treatment of physical injuries. It is crucial that provision of care is comprehensive, complete and of quality, based on survivor-centered principles. Unfortunately, in many places, incomplete packages are provided, and healthcare workers have harmful attitudes towards the survivor.”

Attuned

- “There are few support services for LGBTI-few safe houses, counselling or legal aid.”
- “Let them know there are professionals out there where they can get help and other male survivors.”
- “LGBTQI need non-discriminatory health care and psychosocial support. It’s helpful to have NGOs accompany and advocate for survivors in order to get justice and reparations, help them navigate the process and not leave out for them to do alone.”
- “Very few referrals or support services for LGBTQI people.”

Role of institutions/organisations v. individuals

- “This point may be addressed to the organization coordinating the documentation rather than the individual documenter/interviewer.”

- “They give some training to those who assist including on trauma, but [we] cannot do it always and never long. A referral system too is in place on the ground (arranged by us), for when people engage with us. But so much of it depends on individuals, it’s not institutionalized enough. Need to change mentality of managers and others.”

Soften

- “Sets out that ‘we will only proceed when there is at least appropriate basic support and response in place to address potential psychological harms which may arise from our work, or acute medical, psycho-social or protection needs which should be addressed before an interview’. It also notes that where ‘no such support or response exists, we must consider ad hoc or remote support or (allowing time for) the creation of the necessary capacity first before proceeding’. We agree that this is the standard that we should aspire to; that documenters should do everything they can to ensure these basic standards are met before interviewing survivors of CRSV or consider delaying documentation efforts until these standards are met. We are concerned, however that there are some cases this will not be a possible standard to meet, or that allowing time for the creation of necessary capacity means the documentation will never proceed, or will not proceed in time to address urgent and time-sensitive concerns. It also means survivors who have waited many years for support may have to continue to wait.”
- “What happens when there isn’t adequate or quality referrals or resources to provide to interviewees? The interviews may lead to calls for others to get those resources but that doesn’t help the individual interviewee at the time. Ensuring survivors can access services – problems with other women/others who are not SVIC survivors also needing access to services. Big problem when we’re early – a useful time to do advocacy work, including for services for survivors and bigger aid packages to include this response, but may not be services yet – should we not do the work? Bit of a quandary.”
- “What services available to offer so we don’t ‘take and run’ – it’s become a particular problem in Covid – researchers feeling uncomfortable with not being able to offer anything, because services aren’t available because they’ve pulled out of respective countries. Post-Covid world, won’t be same kind of services available, remote support on offer – not a lot. That’s a pretty big gaping hole. How do we integrate that in a practical way, to people doing this work when trauma being experienced. When you go ahead with the interview, what kind of standing support can we offer to victims and survivors, how can we support them in a very real way.”
- “Again just note of caution on implying formal written mappings required etc. Sentence could start from the words ‘We will...’.”
- “The ‘in extremis’ response is founded on the immediate first response treatment needed until such time as care can be passed onto more appropriate MTFs. We cannot commit to psycho-social support and this is reflected in the paper.”
- “This is an ideal state but is it realistic in our oft challenging operating environments to say that ‘we will only proceed’ when...?”

Further guidance

- “Still on referrals mapping - the code doesn't deal with the situation where psychological/therapeutic services are non-existent, inaccessible, unfamiliar to the community/survivor (I've worked with many survivors for whom psychological care is wholly unheard of and/or deeply frowned upon) or where the health infrastructure is not operational. So you might want to supplement this a little - it can be more complex than the para suggests.”
- “‘appropriate support and response depending on the needs of the survivor’ - This principle is a bit confusing and could use some clarification, at least for me. I don’t understand the ‘remote support’.”
- “We believe that the commentary/best practices should provide concrete examples of this type of support to ensure there is sufficient guidance.”

- “It is important to manage expectations of survivors. Over-promising support services which may be difficult to deliver or to maintain over time, may damage trust that was built with survivors.”

Survivor-centred?

- “It is important to recognise that documentation should not take place without some form of survivor support, and that includes a recognition of the multiple needs – medical, PSS [psychosocial support], legal and livelihood – and to integrate choice into that support. The survivors found that choice and preferences empowering in itself. Being able to do their own documentation was self-motivating – those around asked how they could help them do it.”
- “Consider: - Who decides what is appropriate? - How is there the option, if the survivor chooses to engage, offered to participate in this process of what is appropriate?”
- “If media are in the field with medical or NGO professionals they should coordinate closely with the trained staff in speaking to any survivors.”

2.6.6 Confidentiality protections

We will put in place confidentiality protocols and measures to protect the survivor’s information and data, including taking care to ensure the security of any online communications, data management and storage. This is subject to the survivor’s express and specific informed choices about who to share the information with, and any potential legal and other limitations to confidentiality which may apply.

Importance to survivors for safety and privacy

- “Don’t refer survivor’s name to someone else without asking survivor first.”
- “Do not assume family members know about the sexual violence. Don’t speak to survivor in front of family. Confidentiality and also embarrassing.”
- “Confidential support person needs to be confidential too!”
- “Provide safeguards to survivor to tell and keep them- I had written assurance that the report I made was also in confidence and not to be made public. Without all of those safeguards, I would not have filed a report.”
- “LGBTI not feel safe to report-humiliation, arrest. Confidentiality is hugely important. Can’t expose survivors. LGBTI not trust documenters. Documenters must understand this.”
- “Give survivors confidentiality and privacy.”
- “Confidentiality is the *Achilles* Heel of []. How respond when it is violated? All sectors need to abide by this, health too.”
- “Fear of reporting-fear of family-families reject you or cast you out- families fear retaliation against them if known by community-lost employment opportunities.”
- “Need to keep confidentiality, provide warm environment, follow up with them. Keep in mind families might not know.”

Connect explicitly with right to privacy

- “Great. Consider adding specific mention of the right to privacy under confidentiality (this is often as important as protection from physical or other harm).”
- She also thought that it was important to link confidentiality and privacy with how we approach the work (“e.g. rolling up to see a survivor in UN mission tagged cars without considering our profile as we work”).
- “The survivors’ right to privacy and corresponding duties concerning the protection of personal and sensitive information should be added.”
- “It also does not mention the work done by medical practitioners, linked to the specific duty to respect victims’ consent in any sharing of medical information, and to safely store any information collected (right to privacy).”

- “Media should disguise the survivor's identity and location as much as possible.”

Strengthen

- “6.6. seems quite weak given what we know have been the breaches of ethics, and also relative to how much emphasis some of the other important principles are given. As we stated above, this deserves its own entire section. We know that survivors and their family members have faced serious retaliation, including death threats, for granting interviews.”
- “The same with confidentiality in 6.6 – there are clear victim rights in law including the right to access their information. This is included in GDPR in EU. Currently the wording falls short of those requirements. We need to add right to access information held with their data.”
- “Partners should never share identifiable, individualized data outside of the context of referrals and without informed consent, or any data that could compromise the survivor’s confidentiality or create safety risks for their communities. I agree, I think the language on confidentiality needs to be strengthened more.”
- “Standards of data security, protection, and deletion necessary for quality and ethical documentation are not addressed.”
- “Furthermore, the draft Code should refer to the survivor/participant’s right to take back a previously disclosed information. Often survivors willingly share information at one stage of the documentation process but are subsequently compelled to take it back due to pressure from the family, threats or a change of mind.”
- “This is a very important element and I would suggest to be more specific and prescriptive in describing the minimum requirements for safe collection, storage and sharing of information.”
- “The issue of confidentiality and data protection, mentioned in point 6.6 Confidentiality protections, is crucial but could be strengthened to give more clarity to victims/survivors about their rights in protecting their personal information and confidentiality. A related recommendation is to create a protocol for protection of such data at the national or institutional level.”
- “Importance should be given to the need for grading confidential information according to sensitivity and limiting consent to disclose in both time and scope. Different information may need to be classified and stored in accordance with its sensitivity. For example, the names and other identifiable information about survivors would be extremely confidential, however, generalised information where each survivor is only a small part of a data subset should not be held to the same level of confidentiality. In respecting the wishes of the survivor/participant the disclosure of certain information using a grading scale is necessary.”
- “We welcome the inclusion in article 6.6 of the draft code on confidentiality protections, and survivors’ rights to keep their identity confidential. We believe, however, there should be a corresponding recognition that some survivors may want to take a lead in communicating what happened to them and advocating for their rights. In this respect, we also welcome the recognition in article 1.9 of survivors’ ownership of their own story. Where possible and appropriate, and after assessing risk, we should pursue an approach that empowers survivors and supports survivor-led advocacy.”
- “6.6 on confidentiality and privacy for consideration to be given to expand this commitment to include members of a survivor’s family and community (in addition to the survivor), if appropriate. If not stated in the commitment itself, it could be considered in the guidance materials to be developed. “
- “We believe that the Code should further develop the aspects related to the protection of survivor’s privacy and personal data. In many of the countries affected by armed conflict, the national legislation to protect these rights is lacking or not enforced. This is often coupled with practices of unlawful surveillance by government agencies which can put survivors at risks of retaliation. We suggest that the Code recommends that all organisations interviewing survivors have adequate data protection policies in place, and that they take pro-active steps to protect

privacy and confidentiality of the information from survivors, including encrypting personal information and testimonies of survivors, resist request of government disclosures if they might put survivors at risk, etc.”

- “May to some extent address the issues mentioned here above relating to confidentiality.”

Further guidance

- “Guidance on ensuring data integrity and cyber-safety is needed to prevent unauthorised access to collected data.”
- “Added to that, my point is that these bullet points have absolutely no guidance on how to implement them. How does an organisation determine added value? There are issues with implementation around consent, storage of footage/personal data/safety etc. all the way through the document. How should they conduct the proposed actor mapping exercises etc. Should the implementation of some of these things not be considered? If we just throw a list of complex demands out there, they’ll never be met. Lack of capacity. Not lack of will.”
- “The Murad Code could go deeper on information sharing and informed consent as these are two areas where entire handbooks could be written and this is where gender inequality and power differentials will largely affect the process. The Mured Code could signpost to existing guidance on these topics.”
- “Consider: What are the ‘confidentiality protocols and measures’? -How do the protocols/measures align and/or differ from current guidance?”
- “We recommend that this principle is further explored and defined. See comments in the questionnaire.”
- “Managing the expectations and needs of complainants-often reluctant or intimidated can be difficult. There may be measures available which can protect vulnerable witnesses, even to the extent that they can avoid giving evidence in person or otherwise through electronic means-but these are not usually automatically available, and systems can vary between jurisdictions and courts. Accordingly, it is important that assurances re confidentiality and anonymity and other protections are not given too readily without certitude of applicability. Furthermore, prosecutions should not be initiated unless the prosecutor considers that there is a sustainable case-so the situation may arise that despite all endeavours to build a case, a decision is made not to prosecute as the evidence does not measure up. This can be difficult to explain to a complainant and so raising false expectations re a successful outcome should be avoided.”

Feedback about disclosure obligations in criminal justice processes

- “The Code does not sufficiently speak to prosecutors and judges and appears to be dismembered from the realities of the justice process. See Point 3 of Section B (Content of Code) below. Some rights/principles identified in the draft Code are by their very nature irreconcilable with traditional formulas of justice. For example, the principle of confidentiality – which while is a cardinal principle, when presented as an absolute strikes out against the accused’s right to know the allegations levelled against themselves and the corresponding disclosure obligations by the State. Therefore, the principle of confidentiality could be contextualised to withstand fair-trial based legal challenges.”
- For his work where there are multiple independent actors in the criminal justice process, confidentiality of information provided by potential victims is the key challenge. How do you describe that to victim as compared to what [a prosecutor] will tell them (if victim is to become witness)? Different purposes, very challenging. “[We have] strict on confidentiality and would potentially never disclose information to anyone but [...] to start with. There are lots of battles to protect information from parties to court cases – we are really pressured by everyone to disclose information. [...] Prosecutors’ obligations to disclose information to others are far stronger than anything faced by [us]. For victims who are parties to a case and who are witnesses, there is great

stress and challenges re information they don't want disclosed, as the prosecution has strong disclosure obligations."

- "The confidentiality challenge is huge. It's difficult to control that. As soon as information goes to parties [in a criminal case], there is no control over that information. [We] handles lots of medical information, which parties and the judge want to have."

The transfer, storage, sharing and use of information collected

- "Is there an opportunity in the Murad Code to discuss not only how evidence is collected, but also how it is communicated?" She was "thinking specifically of communications departments in humanitarian agencies and that often collect people's stories then share them on social media or in reports and that the sharing of the information is as important as the collection of it."
- "The storage of data on stories documented should also be addressed. 6.6 on Confidentiality Protection seems insufficient at the moment. A stronger and more robust approach is necessary."
- "Possibly also important include safe and secure storage facilities for documentation (in low resource settings)."

Sufficiently survivor-centred?

- "Consider: - How is there the option, if the survivor choses to engage, offered to participate in this process of protocols and measures?"

2.6.7 Briefings:

We will brief our team and those acting on our behalf (including any partners) on safe, ethical and effective processes and protocols.

Importance to survivors

- "Sometimes focal point (intermediary) makes promises and not documenter. Documenter needs to clarify issues with focal point so issues not rise in the future. Documenters need to go through reliable organizations."
- "Confidential support person needs to be confidential too!"

Strengthen

- "Just briefing or is there more we can commit to?"
- "Should everyone involved in a briefing be subject to the Code?"
- "Consider: - Where is the definition of safe, ethical, and effective processes and protocols? - Who monitors this process? - What is the process if someone does not follow these processes and protocols?"
- "I would add a reference to training (including exploration of own beliefs and attitudes) and also debriefing, along with briefing."

2.7 PRINCIPLE SEVEN - RESPECTFUL AND SAFE INTERVIEWS

- “I like the entire safe interview structure portion – we have something similar but I like the way it is worded in the doc. It is more fulsome than what is currently written in our police orders. I would actually add much of this to our SOP’s, it’s a great guide for officers who want to learn and do right by victims.”
- “More than just interviews, other interactions/meetings/conversations/communications/questioning/testimony? Suggestions that the Code should apply to stages beyond investigation and initial information collection - into justice processes or how we use the information given.”
- “Ensure prosecutors, judges, victim/witness support, stages in other processes with hearings, etc. Worth exploring that across all sectors to see what is possible.”

Order and more explicitly prescriptive do not proceed/stop

- “As mentioned above, I suggest a more deliberate sequencing to the commitments. If some of the most basic ones cannot be met, consideration as to whether to interview/document should (in theory) stop there.”
- “This section consists of several different stages and some points can be considered as sub-points. For example, ‘open questions’ and ‘safe closure’ are part of the interview structure.”

Add more aspirational commitments too

- “I understand from your introductory text that the Murad Code is about minimalist standards, but I wonder if you have also considered outlining at this place a more ambitious goal than only avoiding harm. Maybe this could also be included in the supporting documents, but I would find it important to see somewhere that we shall also thrive towards making, whenever possible, the interaction with survivors an empowering experience. I was for instance trained in 2012 by a psychotherapist that I shall, where appropriate, use the opportunity to point in my conversations with the survivor to their strength, the courage they have shown, and similar affirmative messages. And I sense it makes an immense difference for survivors, just this very small step. I could feel every time I recognized and communicated this to a survivor (but also privately on different occasions) a change of perspective of the survivor through an empowering effect. This was thus for me a very important lesson learned which had felt beneficial effects on different categories of war crimes victims throughout all those years.”
- “The survivors need to feel empowered-give them the control. (If recording them) ask survivors if you can record them first.”

Additional Suggested Point for Principle 7

- “A comment on data collection and confidentiality would also be welcome in section 7 (Respectful and Safe Interviews) to ensure that survivors fully understand methods being employed and the potential implications on their safety.”
- “Autonomy of the survivor Cross reference Principle 1 autonomy, control, ownership, consent, self-identify and how they define their experiences, etc.”
- Control/pace/survivor-led conversation:
 - “Article 6.1 speaks about basic trauma awareness and understanding. It is important to consider that an experience of trauma may impact the survivor’s memory and capacity for linear re-telling. In addition to the interviewer considering the pace of the survivor, it is important that they also follow the order provided by the survivor.”
 - “One of the difficulties encountered in documenting survivors’ narratives is the uncertainty of time in recollection. Survivors tend to struggle in recalling time frames accurately or show some inconsistency in their provision of details. Actors should give enough space and patience for survivors to tell their narrative, recollect the history of their trauma and clear the clouding

- of their consciousness, while maintaining the aforementioned principle of survivor-led conversation.”
- “Additional or something to be addressed in existing provisions: I realize you don’t want to highlight specific groups of survivors – because that opens up a can of worms! – but I wonder if there is a way to underscore the importance of respectful, survivor-led interviewing. e.g., male survivors usually prefer not to speak about SV but torture instead – this should be respected and their language reflected. Similarly with LGBT persons – their pronouns, identity, body parts (e.g., “front hole” for trans men), should be accurately translated, reflected back to them, and documented in a respectful manner. Perhaps this could be highlighted in examples?”
 - “Not insist on survivors answering questions or discuss components not comfortable with:
 - and do not bring emphasis to components of the narrative that the survivor is not ready or willing to share.
 - and not forcing survivors to disclose any matter against their will.”
 - “It may be important to include a principle in this section that articulates the survivor’s right to ask questions.”
 - “Unnecessary contact/respect for physical space, etc.: In the circumstances of a consented media interview in the field or in the studio - the survivor must be shown how to attach their own microphone to their person, media should refrain from all unnecessary touching, invasion of personal space.”
 - “Gender preferences: Would suggest adding a point here on the sex/gender of the person interviewing the survivor; as women may often be more comfortable speaking with a woman, it would be important to have both women and men interviewers available – also to allow the survivor to choose whom to speak with.”
 - “It is important that aspects of patrimonial security are included to prevent and resolve the expenses that the survivors would incur when attending the interviews.”

2.7.1 Assess before approach:

Based on the core commitments in this Code, we will carefully assess, with the support of a psychologist, when to approach and when not to approach survivors for information. If we cannot proceed safely or in line with this Code, then we will not proceed at that time. Once we are in contact with a survivor, we will make any decisions with the survivor as part of an honest conversation in line with Principle 1.

Some of the suggested edits from commentators are included above in red tracked text.

Note: see earlier comments about ‘approaching survivors’ and a more survivor-centred approach when early separate preparations/assessments are included.

- “Consider: - How is this aligned with the survivor-centred approach? - How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding when to approach?”
- “‘Approaching’”. [*See earlier comments on the risks of documenters initiating approach to survivors.]

Connection to safety/cross reference 1.3, 1.4 and 4.2?

- “Given that this code focuses on sexual violence in conflict settings, it would be good to explicitly note that safety of the survivor is the first priority and that interviewers must take significant efforts to mitigate potential risks and ensure that survivors are aware of those risks in the informed consent process.”

- “Media must engage in pre interviews with survivors/their representatives to assess what they are prepared to speak about before interviewing them on live or recorded camera, in audio or in print.”

2.7.2 Trauma-sensitivity:

We will ensure our team is trained to recognise the signs of trauma and distress, how to minimise the potential traumatising effects of an interaction and how to take basic response steps to assist a survivor if this occurs.

Importance to survivors

- “To be trauma-informed you have to be survivor-informed. It’s about their rights, dignity, restoring their control and empowering them.”
- “When survivors cry, documenters need to be able to empathise and respond properly. If not, they add to the pain of the survivor.”
- “Be aware of what might trigger a survivor. Don’t wear a uniform if uniformed men raped survivor. Don’t do interviews in official institution-like buildings.”
- “Let survivors tell their story themselves. Don’t keep asking questions. Let them know they don’t have to answer their questions.”
- “If you are detached and business-like, hiding behind a computer screen, doesn’t make a survivor want to talk. Need documenter to be engaged and compassionate.”
- “Documenters should just listen. Not try to guide too much. Not press. That will shut survivor down.”
- “Documenters need to prepare themselves. They will hear things they might not think imaginable or possible. They must not respond with shock.”
- “Sometimes documenters bring many questions and take 3 hours with us, and not take into account our time and our ‘emotional time’.”
- “Don’t be looking at your phone when you conduct interview.”
- “There is a psychological impact to re-telling story.”
- “LGBTQI have lived in trauma-maybe tried suicide, have addictions even before the violence. They don’t know they can rebuild their lives. They’ve been told they are worthless and then something bad happens to them, how rebuild? Documenters can help them believe they have worth, they may be someone who shows they care.”
- “Other important points are all included: such as the risk of secondary victimization (8.7) and taking into account the sex of the interviewer (it is better not to have female victims of sexual violence interviewed by men (6.1).”

Application to all actors?

- “As mentioned in other comments, I am curious how this applies to specific actors who may not be engaged for a long time (like celebrities mentioned in the paper).”
- “Members of the media will refrain from asking intrusive questions, will take precautions not to re traumatize victims - no matter what amount of time has passed since the traumatic event. Media will respect that if the survivor is taking part in an organized event such as a press conference or speech - access to the survivor will cease once the formal event ends.”

Strengthening/additional aspects

- “You also refer to trauma in the code, but you don't make a link between symptoms of trauma and both disclosure and articulation of sexual violence. We know, for example, that survivors of sexual violence experience higher PTSD symptom counts than survivors of non-sexual violence, and this in turn can inhibit the ability of survivors to speak about their experiences. There's also a

known link between PTSD symptom counts in survivors and disclosure of the consequences of sexual violence (i.e. not just the events themselves, but the health impacts that result), and this is a problem when we look for reparations, because damage done tends to be understated. We also know that factors such as avoidance, dissociation and forms of neuropsychiatric memory impairment can disrupt recall, as well as the coherence of an account, while factors such as flashbacks have the potential to enhance recall. All of these factors are taken into account in the course of a psychological interview, and there's a growing awareness of such factors now emerging in the legal investigative field. I'm not suggesting that the code needs to go into great depth on these issues, but it certainly feels a little light. All of which may, perhaps, mean that those conducting psychological documentation (including as legal evidence of violence, particularly where physical signs of rape no longer exist) is not a target audience for the code (?)”

- “Including counselling on options for referral?”
- “It is also important for the team to recognize the limits of what they can do, within their capacities, to assist survivors (e.g., if a safety concern arises, a supervisor may need to intervene in order to prevent harm).”

Further guidance

- “Consider: - Which trainings? - What is the minimum standard of training someone must have to engage?”
- “Need clarification on this; is there a minimum standard to be deemed “sufficiently trained” to assess signs of trauma and distress?”

Connection to 6.1 Competencies

- “This is related to principle 6. Point on skills.”
- He commented on 6.2 and 7.2 – the commitment to continued learning. He thought this should say more and be more specific – “keep up to date on evidence based techniques, keep up to date on the effects of trauma from the event and also from the interview/interactions/response to the event.”

Survivor-centred?

- “Consider: -How is there the option, if the survivor chooses to engage, offered to participate in this process of deciding what is sufficient training?”

2.7.3 Dignity and respect

We will treat support/empower survivors with dignity and respect as human beings and as agents, and with compassion, empathy, courtesy and appreciation and without judgement.

Some of the suggested edits from commentators are included above in red tracked text.

Importance to survivors

- “When survivors cry, documenters need to be able to empathise and respond properly. If not, they add to the pain of the survivor.”
- “If you are detached and business like, hiding behind a computer screen, doesn’t make a survivor want to talk. Need documenter to be engaged and compassionate.”
- “Sometimes documenters bring many questions and take 3 hours with us, and not take into account our time and our ‘emotional time’.”
- “Don’t be looking at your phone when you conduct interview.”
- “Don’t ask aggressive questions like, why didn’t you escape; why did you did get caught; like it was our fault; why ..why...why. They shouldn’t ask questions which embarrass us either.”

- “Provide support and validation. Probably the most powerful things my documenter said to me when I finally made the report was ‘I believe you, you didn’t deserve what happened.’ You have to absolutely act as if you are this person’s sole advocate and defender.”
- “Survivors have a fear of shame. Will I be believed? What will happen to me? What will people think of me? A survivor doesn’t expect anyone to give him respect. He expects to be asked, why didn’t you fight?”
- “LGBTQI have lived in trauma-maybe tried suicide, have addictions even before the violence. They don’t know they can rebuild their lives. They’ve been told they are worthless and then something bad happens to them, how rebuild? Documenters can help them believe they have worth, they may be someone who shows they care.”
- “For LGBTQI ask them how they identify as? And also how does society identify you as? Ask them how they want to be referred to as. Which pronoun should I use? Be aware people may present differently than how they identify as. And that can change with time too.”
- “I think this should be part of section 1. It comes a bit late.”
- “This point is important but the tone reads a bit condescending. We suggest to redraft it and move up in the text.”
- “Media should treat survivors as individuals not a ' story'.”

Tone and word choice

- “It is suggested to review the language and tone used in the draft Code, as they could be read/interpreted as condescending (e.g. 1.1, 1.3, 2.2, 4.3, 7.3). The aim of this revision would be to align better the language and tone of the Murad Code with a victim/survivor-centered approach and in recognition of victims/survivors agency.”
- "We will act in accordance with our respect for the dignity and rights of human beings, and with..."?"

Additional aspects

- “Speaks about dignity and respect, setting out that ‘we will treat survivors with dignity and respect as human beings, and with compassion, empathy, courtesy and appreciation.’ It is important to also add ‘without judgment’, building on the commitment to avoiding stigmatising in article 8.1. This includes, for example, when survivors have engaged in sex work, are living with HIV or other sexually transmitted infections or injury, are LGBTI, had an abortion, had a child outside marriage, or have abandoned or given a child up for adoption or the equivalent.”

2.7.4 Screening:

In addition to the risk assessments in Principle 4, at the start of an interview we will also reassess safety concerns, other risks, privacy, the survivor’s well-being/emotional state, any gaps in understanding and communication, and any pressures on the survivor to proceed.

See earlier comments about heightened vulnerabilities, vulnerability assessments, etc.

Importance

- “Documenter must assess how person is emotionally. If they are not ok, then will damage them and will make their illness worse. Documenters need to put themselves in their shoes.”

Additional aspects

- “Suggested as separate point, ‘We will continuously assess the survivor’s psychological condition and immediately react to sudden changes at any moment during the interview and intervene accordingly.’”

Title - 'screening'

- "Screening suggests a clinical setting, suggest revising title."
- "What form should this screening take? In public health and humanitarian relief work, this means something quite specific, often using a screening tool. What do you suggest for general field? Keys would be consistency, clarity of target, ability to assess results in real time and respond accordingly – then or later."

Further guidance

- "How to avoid a very long list of protocol & boxes to tick at the start and in preparation of interviews in cases where survivors just want to get their stories off their chest, to be heard? I can imagine it might also be difficult to go through all of these important, yet dry, stages. I guess to minimise this preparation is key."
- "Consider: - What training is given to comprehensive accomplish this? - How does this align with other assessments?"
- "In our research on interviewing vulnerable persons we found a lot of English language practical guidance developed for officers [...]. The NGO and UN materials we had from before was more concerned with listing vulnerable groups rather than explaining what it means to be vulnerable in the interviewing setting, how to assess potential vulnerability, and finally what to do when you suspect that your interviewee is vulnerable. One issue we have encountered on numerous occasions is the idea that police officers should assess vulnerability. We do not think this is sound advice because we do not trust that the majority of officers have sufficient education and training to do so. Many countries also have cultural/religious values that we consider prejudiced and anything that grants police more authority to categorize interviewees is detrimental in our opinion. The police have enough power as it is. Accordingly, we recommend that officers receive sufficient training to know when they are confronted with someone requiring an interviewing officer with specialist training. This is of course not readily available in most countries, including here in Europe, but an aspiration. If the officer chooses to proceed they should know enough to proceed with extreme caution where specialists are not available. The Murad code can certainly be of great value in this regard."

Survivor-centred?

- "Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process of assessing safety, risks, privacy?"

2.7.5 Being understood:

We will communicate in a language and in a clear and simple manner with words that the survivor understands and prefers (including using age, gender, ability and culturally appropriate/friendly language). This is critical for honest, respectful conversations, and informed choices by survivors.

Some of the suggested edits from commentators are included above in red tracked text.

Explicit reference to interpretation

**See earlier comments in Principle 4 and 6 about interpreters.*

- "If I don't feel good about an interpreter, if they aren't interested or aren't professional, then I won't share my story."
- "Although this was briefly mentioned above, I think it would be a good idea to re-iterate that if the interviewer cannot communicate in the same language as the survivor, it is important to involve an interpreter."

- “If reference to interpreters or cultural mediators is added here, it would be important to flag the importance that gender, ethnic origins, affiliations, and training/experience on SV are assessed in the selection of the interpreter.”
- “Add ‘if you speak a language other than Spanish, you must guarantee the need for a translator; if you do not speak it well, and if not, check continuously that you understand the contents of the conversation’”, “It is important to remember that it is a Code of universal vocation, so it is not wise to refer to specific languages. It would have to be written in the broadest possible way.”
- “Articles 7.5 and 7.6. raise the issue of communication. But as many conversations with survivors are done through translators, this particular issue deserves more attention. The code should ensure documenters are responsible for ensuring translators act with confidentiality and sensitivity, as well as without passing judgement or being perceived to do so. Where there are transgender people interviewed, for example, it will be important to ensure both investigator and translator use the pronoun the survivor is most comfortable with.”

Importance for survivors

- “Don’t use jargon and complicated words. Most survivors don’t feel they can stop the documenter to say they don’t understand.”
- “Language is important. Language is often offensive -or e.g. no gay neutral language in Arabic or Kurdish so survivor often offended and alienated from the start. Language and questions are triggering for LGBTI. Arabic/Kurdish refer to gay men as “faggot”, [we] must find or create other terms.”
- “Documenters should connect with grassroots local leaders and organisations. They know the language and culture better, plus history. Don’t use technical langurs, keep it simple.”
- “Interviewers need to know local language and be careful with language used so don’t alienate them. Better to ask the gender of who they have sex with instead of asking them if they are gay.”
- “Where there are transgender people interviewed, for example, it will be important to ensure both investigator and translator use the pronoun the survivor is most comfortable with.”
- “For LGBTQI ask them how they identify as? And also how does society identify you as? Ask them how they want to be referred to as. Which pronoun should I use? Be aware people may present differently than how they identify as. And that can change with time too.”
- “It is important to consider understanding judicial terminology.”
- “It is recommended that communication with survivors be in their own language. It is important to ensure that survivors understand the specialized terminology used in the medical, legal, military, etc. fields.”
- “If a survivor does not understand the language of the media interviewer, is clearly distressed or does not fully comprehend that they are being interviewed on record - then do not interview them.”

Word choice

- “Could opt to use ‘friendly’ instead - what is youth-appropriate is often not decided by young people, but what is youth-friendly is.”
- “Or dialect, language.”

Additional aspects

- “Suggested as an additional, first core commitment: ‘7.1 Language. Languages or native languages are prioritized for the development of the interviews.’”

2.7.6 Fair and accurate representation:

We will also ensure that we are sufficiently able to understand the survivor, so we have a fair and accurate representation of what they wish to say. We will ensure this level of clear communication before proceeding.

Importance for survivors

- “Often times what documenters publish is different that what was said.”

Additional aspects

- “The questionnaire or statement should be given/read back to survivor to correct (because some documenters add things).”
- “If documenter interviews in a different language, documenter must read back what was written so survivor knows documenter got it down accurately. Survivors need to check if correct. Survivors suffer consequences if story goes out wrong.”
- “Perhaps this should explicitly include cultural competency so that what the survivor says is understood and aligned with what the survivor meant to convey.”
- “If a member of the media wants to interview a survivor and they do not have an interpreter present - do not film nor photograph the reactions of the survivor without clear consent. Do not 'speak for' nor assume what the survivor wants to convey.”
- “Media will refrain from arbitrary ' labelling' survivors with terms that will cause re traumatisation such as using the term ' sex slave'.”
- “In no case may signaling or stigmatizing comments be made about the survivors or the events narrated.”
- “There was one thing that we found missing and that is because so much of my focus has been on the media, but we do think this issue applies more broadly and that is – for those publishing about CRSV it is important to consider a balanced narrative. This is somewhat addressed under ‘7.6 Fair and Accurate Representation’, however it could go further to include provisions that address: Tell a balanced story that doesn’t focus disproportionately on SV – ask survivors about their lives before, what they want now, what does justice look like, their priorities? In the *Yezidi* case it was all trauma all the time and that loses the humanity and dignity of the survivors. That goes to questions and narrative. In the narrative – avoid degrading and inaccurate language and portrayals of survivors.”
- “Absence of language and concepts to talk about CRSV: Need to know survivors may have experienced different types of war related violence-physical, sexual, psychological. [And be] able to mobilise men by talking about all war experiences (not sexual). Don’t have immediate language to discuss sexual violence so ask what made them come to [] and just start talking.”

Need for clarification

- “I’m not clear of what this refers to – use of an interpreter, actual content, what if a survivor wants to tell a completely different story how might that be handled?”
- “I personally don’t understand what is meant with 7.6.”
- “The message to be conveyed in this point is unclear. What would this mean in practice?”
- “We consider some messages in the Code would benefit from additional clarifications, e.g. 1.5 reducing pressures; 3.3 on local laws and practices; and, 7.6 on fair and accurate representation, and, suggest their review to further unpack them.”

Word choice

- [What they wish to say] “Consider: - Are these words needed?”

Survivor-centred?

- “Level of communication: Consider: How is there the option, if the survivor chooses to engage, offered to participate in this process of ensuring the communication is clear?”

2.7.7 Safe interview structure:

We will ensure that our interview has a safe, sensitive, trauma-informed structure. We will seek to contextualise sexual violence against wider experiences, and will not fixate on, probe or extract solely the explicit or graphic details of sexual violence from a survivor. We will also be careful not to report sexual violence in that/a way that does not respect the dignity and rights of a survivor.

Some of the suggested edits from commentators are included above in red tracked text.

- ““We will also be careful not to report sexual violence in that way.” What does this mean? Report to whom? Do you mean publicize?”

Importance to survivors

- “Focus on the individual, not their story. Ask us other questions beyond the violence. We want people to know about the consequences, how we got past it, how we become a person again, how we moved on, have rebuild our life, how we learned to live with it. Please help turn this experience into something positive. That will help us change.”
- “Don’t judge and ask intrusive questions. Will take time for survivor to trust. Don’t cross line of asking for certain sexual details. If you don’t need it for your mandate, don’t ask those questions.”
- “Media should not ask intrusive, intimate questions nor ask the survivor to vividly retell the story of their traumatic experience - unless the survivor has made a clear, prior request to talk about certain details for their own reasons.”
- She wanted “to salute three points she thought were very important and she highly appreciated in the Code. ... 3) 7.7 the importance of contextualising sexual violence. They are the victims of other crimes too and all have been exacerbated by gender discrimination and other human rights violations.”

Strengthening or additional aspects

- Survivor-led/control:
 - “The survivors need to feel empowered-give them the control.”
 - “Give power back to the survivor. Giving power back is part of rehabilitation. Let her tell her story as she wants and needs to.”
 - “Let survivors tell their story themselves. Don’t keep asking questions. Let them know they don’t have to answer their questions.”
 - “Documenters should just listen. Not try to guide too much. Not press. That will shut survivor down.”
 - “It may be good to explicitly say that we would give the survivor full control over the interview, including to end it at any point.”
 - “Consider: - How is there the option, if the survivor choses to engage, offered to participate in this process of safe interview structure, deciding which questions, and closure?”
- Listening role of documenter:
 - “At all times, emphasis should be placed on the importance of listening to everything that survivors of acts of sexual violence in the context of the armed conflict have to say.”
 - “Documenters need to be listeners and not questioners-every story is unique and you haven’t heard it all-each time I come across something haven’t heard before.”

- Respect for time/duration/do not overburden survivor:
 - “Sometimes documenters bring many questions and take 3 hours with us, and not take into account our time and our ‘emotional time’.”
 - “Give person opportunity to relax between questions. Need to relax and even insert a joke between questions.”
- “Emphasise the survivor has the right to stop the conversation at any time. Should insert a sub point on how to begin an interview – example take time to open the interview in a safe and careful way, clearly explain how the interview will go and that if at any time the survivor wants to stop they can.”
- “Add ‘only trained investigators with appropriate legal mandates may ask detailed questions about the violence to collect only the information required for prosecution. Interviewers’ before will not fixate. If it is an investigation for a prosecution or other type of formal proceeding then authorised investigators may need to probe the specifics, but they should be trained professionals who know how to do so respectfully and in line with the requirements for documentation of the specific crime.”

Clarification and simplification

- “Do you mean the scope or aperture of questioning should be wide enough to gather context and ensure that any CRSV is properly weighted and situated? Just thinking about the word ‘structure’ here. I think it’s ok.”
- “It would be nice if this point were rephrased and simplified in service of clarity.”
- “Refer to not reporting: Not clear to whom to report and what ‘that way’ refers to.”
- “‘safe, sensitive structure’... consider unpacking a bit more.”
- “This may present some challenges. A better approach would be to recognize that too direct of examination on graphic details, like whether there was penetration, can obscure the wider experience of sexual violence and even aggravate a traumatic response where the survivor does not want to disclose. However, the purpose of an interview is to get testimonial evidence and not background or perception. There are a lot of ways to reformulate this sentence and I respect the idea that we shouldn’t get target fixation on the actual details of sex but we still need them according to whatever legal standard is required.”
- She then added a few comments regarding specific sections where she thought the definitions could be more specific and these sections were as follows: 7.7, 8.1, 8.2. She explained that these specific sections were subjective and that personal assessment may require more exact wording to mitigate the ambiguity that could be perceived in the current wording of these sections. In relation to 7.7 she stated that in her experience the explicit details, specifically relating to sexual crimes, were required by the prosecutor in order to proceed with a criminal case.

2.7.8 Open questions:

We will use open questions, and moderate the pace, rate and tone of our questions. Recognising the potential harmful impact of closed or leading questions on the survivor and on the accuracy of any information collected that way, we will limit the use of such questions to exceptional circumstances.

Additional aspects

- Survivor-led/control:
 - “Let survivors tell their story themselves. Don’t keep asking questions. Let them know they don’t have to answer their questions.”
 - “Consider: - How is there the option, if the survivor choses to engage, offered to participate in this process of safe interview structure, deciding which questions, and closure?”
- Content of question:

- “Don’t ask aggressive questions like, why didn’t you escape; why did you get caught; like it was our fault; why ..why...why. They shouldn’t ask questions which embarrass us either.”
- “It is important to specify that the questions cannot be discriminatory or suggestive.”
- “It’s helpful for survivor to have questions before and can look at and choose.”
- “Point 7.8: it should be ensured that the interpreters keep the exact same open questions when translating.”
- “Either 6.4 or 7.8 might be added: We realize that child witnesses are particularly vulnerable to suggestive interview practices.”
- “At all times, emphasis should be placed on the importance of listening to everything that survivors of acts of sexual violence in the context of the armed conflict have to say.”
- “Documenters need to be listeners and not questioners-every story is unique and you haven’t heard it all-each time I come across something haven’t heard before.”

Further guidance or commentary

- “Good to include good examples (both minimum standard & best practice). On exceptional circumstances. Vague – what are examples of exceptional circumstances?”
- “7.8 We will use open questions, and moderate the pace, rate and tone of our questions. Recognising the potential harmful impact of closed or leading questions on the survivor and on the accuracy of any information collected that way, we will limit the use of such questions to exceptional circumstances. Another possible phrasing could be: ‘We will follow evidence-based interviewing practice and rely on open-ended questions and active listening while avoiding leading or suggestive questioning’.”
- “If the code is intended to for instance form part of or instruct training curriculum we think it would do well to include more concrete actions. Much like the field we work in, I imagine that officers around the world receive very little training on how to deal with survivors of sexual violence. Given that officers in most countries globally receive little or no training in how memory works, cognition, communications and questioning, I assume they do not receive much in terms of knowledge of how for instance trauma affects memory and communication skills. In our minds the code would benefit from exemplifying what kinds of questions work well and which do not. It makes reference to open questions but what do they look like? We use the TEDs PIE mnemonic (Tell, Explain, Describe, show me, Precisely, In detail, Exactly) coupled with 5WH questions (who, were, what, when, why and how) to explain open questions. I probably do not need to spell these out for you given your background, so it is just for ease of reference in case others read the feedback. We are equally particular with the “engage and explain” phase where rights are stated and secured to establish trust and rapport. We train with officers on how to open, proceed with and close the interview by using real life examples from interviews that went well and that did not. This gives us a chance to study the language used, body language, seating positions, how, when and in what order evidence is presented. This with a view to be efficient, strategic and human rights compliant. I am not going to go into detail. I just wanted to mention this to illustrate how we think each right or principle has to be broken down into concrete actions and steps.”
- “Here is a link to a manual [which is] five years [old] and that is available in 11 languages by now. https://cti2024.org/wp-content/uploads/2020/12/CTI-Training_Tool_1-Final.pdf. We still use it but will soon replace it with various UN manuals and materials soon to be launched. It also forms part of the bachelor level education for officers.”

Other feedback

- “Leading questions shall not be allowed, true. However, you can’t rule out yes/no questions, or questions related to selection of best possible description, use of line-ups etc.”
- “For example, Section 7 Respectful and Safe Interviews, 7.8 Open Questions may not be fully applicable to law enforcement.”

- “Media interviewers should not pressure the survivor to 'retell' their personal experiences nor 'guide' them to retell their experiences in a certain way. Media interviewers must be mindful that the interview might impact future testimony.”

2.7.9 Safe closure:

We will take the time to close an interview in a safe and careful way, bring the survivor back to the present time, and acknowledge their time and courage in recounting their story. We will discuss with the survivor follow-up contact and information in line with Principle 4.

- “Yes, good.”

Additional aspects

- “It is important to also reinforce that the interviewer should create space for the survivor to end the interview at any point without repercussion.”
- “Media interviews should stop at any time the survivor is uncomfortable and if the interview is recorded the survivor must be given the opportunity to correct any factual mistakes.”
- “7.9 is it possible/relevant to add something about ensuring the survivor knows who to contact in case they, after the interview, recall information they did not disclose during the interview and wish to bring to the attention of the investigators.”
- “Encourage survivors to have someone who they can speak their truth to first after talking to a documenter. It’s traumatic telling their story. They will struggle with what they said, “I can’t believe I said that, I was disloyal, the perp will find out, I’ll be punished for this...” No matter what documenter said, it’s good to say to a survivor that ‘you may struggle, you may have doubts about speaking your truth, and it’s important that you seek support-a friend, family.’”

Clarification needed

- “‘bring the survivor back to the present time’ - what does this mean?”

Survivor-centred?

- “Consider: - How is there the option, if the survivor chooses to engage, offered to participate in this process of safe interview structure, deciding which questions, and closure?”

2.8 PRINCIPLE EIGHT: INTEGRITY AND RESPONSIBILITY

- Again very practical and specific commitments. Great.

Suggested additional points for Principle 8

- Safety/security:
 - “Consider adding: ‘Organize a follow-up visit or contact if we believe a survivor is in danger as a result of the interview.’ Which goes together with ‘Do not say or do anything that could put an individual in danger’.”
 - “Security: Since security for the documentation is so essential it seems that it would need its own bullet point beyond 8.6 no contamination or loss of evidence. What commitments will the interviewer offer to preserve, protect, and secure the data gathered?”
- “PSEA [Preventing Sexual Exploitation and Abuse]: It could also be interesting to add an additional part or point that sets a behavioural and PSEA policy (e.g. something like ‘With the understanding that such behaviour would harm survivors by compromising the mission, the evidence gathered or the rehabilitation or credibility of a survivor, we will never engage in a relationship with a survivor; we will never solicit or accept sexual services during the mission; we will never engage in corruption of any kind’). This needs to be rephrased and probably unpacked, but the idea is there.”
- “It takes into consideration the issue of re-victimization, attacks on credibility, their sexual preferences, way of life, sexual nature of the behaviour of the victim or witness (Rule 70 of the Rules of Procedure and Evidence of the Rome Statute: Credibility, honour or sexual availability of the victim or a witness cannot be inferred from the sexual nature of the previous or subsequent behaviour of the victim or a witness. It seems that this matter would be included within point 1.10.”
- “Provide support and validation. Probably the most powerful things my documenter said to me when I finally made the report was ‘I believe you, you didn’t deserve what happened.’ You have to absolutely act as if you are this person’s sole advocate and defender.”
- “Being consistent-come and disappear and don’t stay in contact and then come back-need to be consistent and stay connected.”
- “The importance of understanding your own trauma. The Philadelphia Study found 83% of that survey sample had suffered some form of childhood trauma. We all carry it with us. [https://www.philadelphiaaces.org/philadelphia-ace-survey.](https://www.philadelphiaaces.org/philadelphia-ace-survey)”

2.8.1 Non-stigmatising and non-judgement:

We will examine and confront our own biases, fears, attitudes, prejudices and assumptions in relation to sexual violence and survivors of sexual violence. We will not convey any message to survivors (through words, body language or actions) which blames, shames, further harms, judges, belittles, patronises, discriminates against or disrespects them.

Some of the suggested edits from commentators are included above in red tracked text, including in title of commitment.

Importance to survivors

- “Don’t ask aggressive questions like, why didn’t you escape; why did you did get caught; like it was our fault; why ..why...why. They shouldn’t ask questions which embarrass us either.”
- “Safety is big issue for survivors and families. Survivor families can also be killed for survivor speaking up. Perpetrators still all around. Death threats. Shame and stigma are second big issue. Documenters re-victimize survivor. They ask questions like why did we go there? Why did we go

out late? Why not leave earlier? These are questions which make us feel guilty and responsible for what happened.”

- “Huge stigma for male survivors to report, especially in military: shame -The stigma and obvious conflict of interest in reporting to anyone in uniform associated with a “chain of command” anywhere that can and will as its first priority exercise command influence protect itself are probably the biggest hurdles to getting males to report. Only communicate to your chain of command or anyone associated with the investigation in any way through your documenter and that person.”
- “Language is important. Language is often offensive - for e.g. no gay neutral language in Arabic or Kurdish so survivor often offended and alienated from the start. Language and questions are triggering for LGBTI. Arabic/Kurdish refer to gay men as “faggot”, [we] must find or create other terms.”
- “Women and Transwomen are not respected historically, not their bodies nor minds.”
- “Transwomen especially vulnerable and treated poorly. We always get asked how we can be raped since we liked being fucked from behind. Lawyers and police and officials ask this.”
- “Don’t share with those who will laugh at you or shame you. Don’t share with those who just take your information and go.”
- “Don’t ask us questions like how can a man be raped. I will only trust and speak to others who understand, like other male survivors or [].”
- “As documenters, need to aware of own biases. We come from different background and countries, and have prejudices, especially against refugees. Need to put those aside.”

Strengthen

- “Documenters need to say that it was not the survivor’s fault. (Beyond just not blaming survivor).”
- “Documenters need to prepare themselves. They will hear things they might not think imaginable or possible. They must not respond with shock.”
- “Interviewers must be certain that any information released publicly is not misinterpreted and does not fuel the prejudices and stereotypes or incite public opinion against the survivor/survivor-community. For example, when the survivor community has a particular religious identity different from the community in which they reside, it should be ensured that talking about their religious identity does not make them outcasts.”
- “We would suggest adding here something along the lines of ‘belittles’ or ‘patronises’. This would help not overlook the potential of empowering survivors or acknowledging that survivors may feel empowered. While this may be the minority of survivors, it cannot be overlooked. Approaching survivors with respect also means that survivors will not be best ‘helped’ with a demeanour that will make them feel like a victim.”
- “8.1 might be added(?): We will avoid judging the experiences of the survivor (I don't know it this is understandable; what I mean is putting words for or giving judgments about the experiences of people. You sometimes see in child interviews that interviewers may tend to say ‘that must have been terrible’, ‘what he did was bad’ and these values do not necessarily correspond to how the child is feeling or may be interpreted by the child as accusations against themselves, even. So avoid guessing how someone feels, or what value label they assert to an experience.)”

Doubts them or questions their truthfulness during interaction

- “Survivors should not be asked for proof of their rape or for additional evidence of their rape. Don’t doubt that the survivor has been raped.”

Tone and wording

- “Consider: - Has the tone and delivery of the Murad Code been reviewed? - How are the continued use of the words ‘us’, ‘we’ and ‘them’ aligned with 8.1? - Can the document be reworded to

consider highlighting the strength and resilience of survivors, as well as the support that survivors wish/desire?”

- “The draft Code, while respectful and supportive of survivors, does not appear or feel to be empowering of victims. If the language of the Code was changed to one of obligations on the part of the investigator or person engaging with the victim to uphold the rights of victims that may alleviate some of this impression. In that respect, it has to be underscored that victims of sexual violence crimes are foremost victims of crime – crime, in all of its variations, typically traumatizes its victims. It has been the stigmatization of victims of crimes of sexual violence that has largely prevented these crimes being investigated and prosecuted with the same seriousness as other crimes. The Code must avoid any continuation of that stigmatization as having legitimacy. While it can and should recognize stigmatization, its approach should be aimed at eradication rather than just accommodation.”

Clarification needed

- She then added a few comments regarding specific sections where she thought the definitions could be more specific and these sections were as follows: 7.7, 8.1, 8.2. She explained that these specific sections were subjective and that personal assessment may require more exact wording to mitigate the ambiguity that could be perceived in the current wording of these sections.

Softening

- “Second sentence: This is stated as an imperative, rather than something to be aspiring too. Given the wide range victims, from a wide variety of backgrounds, and cultures, the documenter or investigator is inevitably going to make some mistakes.”

2.8.2 Non-exploitative:

We will not be extractive, instrumentalising, exploiting, harassing or take advantage of survivors’ vulnerabilities and survivors’ voices, interviews or information.
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Some of the suggested edits from commentators are included above in red tracked text.

Importance to survivors

- “Exploitation of survivor and their story- documenter should not benefit or capitalise off the survivor’s experience/story.”
- “They shouldn’t use our stories to be famous. They at first appeared motivated show problems of women in [], but when we saw the video, it looked as if journalists looked for the place where I was hurting. Stop focusing on our pain and vulnerability.”
- “I noticed that some journalists know how to enrich their organisations, how to be exploitive and used for their purpose our stories. Radio took information from us to get funding and not used it to help us, only to help themselves. They lost my confidence and trust and not want to share anymore.”
- “They took advantage of our poverty. Many survivors thought the documenter was here to help us.”
- “Because of poverty we feel obligated. A survivor thinks the documenters are coming to bring a solution to their problems. She doesn’t have another avenue to express her problems.”
- “Do not profit from survivors or their stories.”
- A” key ethical issue that also came up in the “Me Too” movement – journalists started writing articles about how to elicit information out of survivors. Some had some safe and good practice, but many were about how to manipulate or influence survivors into tell you things. These ‘extractive’ techniques really need to be addressed.”

- “Documenters from institutions take their stories and disappear and never hear from again. They take advantage of their stories for their own benefit.”
- “If a survivor does not understand the language of the media interviewer, is clearly distressed or does not fully comprehend that they are being interviewed on record - then do not interview them.”

Strengthen

- “Instead of writing ‘We will not be extractive, instrumentalising, exploiting, harassing or take advantage of survivors’ vulnerabilities’, this should be formulated more as an obligation. It is not enough to state ‘we will not harass or take advantage’ there must be accountability to such unacceptable and illegal behaviour otherwise, the prior declaration seems tokenistic.”
- “Consider: - How can this be upheld given the aforementioned question on accountability and responsibility? “
- “Suggest to revise in light of 8.1 where it is stated that one should examine its own assumptions in relation to survivors of sexual violence. One such assumption could be related to what one think their vulnerabilities are.”

Clarification needed

- She then added a few comments regarding specific sections where she thought the definitions could be more specific and these sections were as follows: 7.7, 8.1, 8.2. She explained that these specific sections were subjective and that personal assessment may require more exact wording to mitigate the ambiguity that could be perceived in the current wording of these sections.
- “This is a bit unclear?? What is specifically meant by ‘extractive’?”

2.8.3 Honesty and candour:

We will be honest, transparent and realistic with survivors about our work, its possible outcomes and associated risks. We will ask what their expectations are, and ensure we are realistic in providing information about what we can and cannot achieve or offer.

Importance of managing expectations

- “Don’t give survivors expectations if can’t follow through. Manage expectations. Don’t give us false hope. When I knew Murad code was being created and I felt positive-liked the truth, I was told I wouldn’t get money, so doesn’t give me false hope. I liked being told the truth. Murad Code is important and historical doc for future. It will acknowledge women who have sacrificed themselves and their dignity during conflict. Their sacrifice will be acknowledged.”
- “Sometimes focal point (intermediary) makes promises and not documenter. Documenter needs to clarify issues with focal point so issues not rise in the future. Documenters need to go through reliable organizations.”
- “Don’t give victims false expectations. Causes more damage.”
- “The expectations which are being created by journalists and human rights actors about what will happen if the survivor talks to them – “the world will know” and their situation will get better or be tackled, etc. The Code has to be responsive to these promises and great expectations created, which could never be fulfilled.”
- “It must be clarified that the interview is indeed for the purpose of documentation, and to manage survivor’s expectations accordingly. To ensure survivor’s trust in the process and in the conductors of the interviews, there needs to be a management of expectations and knowing what can be fulfilled and what is beyond the capacity of the documenters.”
- “Managing the expectations and needs of complainants-often reluctant or intimidated can be difficult. There may be measures available which can protect vulnerable witnesses, even to the

extent that they can avoid giving evidence in person or otherwise through electronic means-but these are not usually automatically available, and systems can vary between jurisdictions and courts. Accordingly, it is important that assurances re confidentiality and anonymity and other protections are not given too readily without certitude of applicability. Furthermore, prosecutions should not be initiated unless the prosecutor considers that there is a sustainable case-so the situation may arise that despite all endeavours to build a case, a decision is made not to prosecute as the evidence does not measure up. This can be difficult to explain to a complainant and so raising false expectations re a successful outcome should be avoided.”

- “We consider that this element could be included in principle 1 on survivors as individuals.”
- “I would highlight the importance to manage expectations about positive outcomes and importance to balance benefits and risks (see also comment to point 5.4).”
- “Consider: - Will all risks be honestly communicated to the survivor?”
- “Media interviewers must not make promises of aid, assistance nor protection that they cannot fulfil.”

Other

- “The importance of transparent, non-internal/insular processes.”
- “‘We will be honest, transparent’ to the extent safe for investigation.”

2.8.4 Trustworthiness:

We recognise the importance of trust. We will not make promises we are unlikely or unable to keep. We will follow through on any promise we make to survivors.

- “When we meet the documenter many times, then trust will come. But we can trust them the first time if we trust the person who introduced us. Trust is not created once. First, create trust between documenter and survivor before starting interview-asking general questions and easy and make you feel free and have a connection with person and after can ask questions. Tell survivor what kind of questions will be asked, how long interview will take.”
- “Don’t give incentives to survivors in order to get story and then not follow through. Survivors lose faith in documenters then in general. Hard to restore that faith.”
- “I think trustworthiness is a very broad topic and the part about promises can maybe be its own principle.”
- “Consider:- What are the consequences of making a promise and not keeping it?”
- “8.4 also seems like an item that deserves much more attention. The coercion that survivors have experienced to talk with reporters, NGO workers, and academic researchers in a range of contexts is well-documented.”

2.8.5 Access to justice:

We will respect a survivor’s right to seek an effective remedy, including access to justice, reparation and other legal avenues to protecting *and fulfilling* their rights. We recognise that records or reports of interviews may be used against survivors, including by those implicated in violations and in courts or other processes.

Some of the suggested edits from commentators are included above in red tracked text.

Importance

- “Those accused are innocent until proved guilty and are entitled to defend themselves and to test the evidence by e.g challenging the credibility of the witnesses. Accordingly, it is vital to ensure

that the evidence adduced by the prosecution is sustainable and not compromised nor contaminated; otherwise, the accused can exploit these weaknesses-or they can render the prosecution unviable from the outset. Examples of pitfalls include the increasing disclosure obligations - e.g. material which may avail the defendant; massive amounts of digital material differing accounts from the complainant and witnesses; witness collusion- (very easy to assert if there have been group debrief sessions), therapy and counselling which takes place simultaneously can create opportunities to compare accounts.”

- “A media interview is invariably recorded, the survivor's testimony may therefore be compromised or distorted on 'record' or the survivor may misremember the facts under the pressure of a media interview situation which is then recorded in audio print or video and could be used to counter their testimony at a later date at trial.”

Clarification needed

- ““We recognise that records or reports of interviews may be used against survivors,’ I would suggest rephrasing. This can be misunderstood.”
- “Records and reports being used against survivors: I think this needs further explanation.”
- “Does this mean that when the victims go to court against the perpetrators to require reparations, their identity is disclosed?”
- “On second sentence: Suggest deleting this as it might not be needed to go into this level of detail in the Code; and, it is not relevant for all actors listed as target audience.”
- “On the second sentence - Consider adding a piece of guidance to documenters once there is a suspicion that this may happen. Alternatively, consider adding ‘we recognize (...) and therefore exercise judgement regarding the use of reports according to the best interest of the survivor and their informed consent’.”
- “Change second sentence to ‘We will inform survivors that records or reports of interviews may be requested by competent authorities to be used, including in proceedings involving those suspected of violations and in courts or other processes’.”

Strengthen

- “Perhaps add also that we will respect a survivor's right to not seek justice if they are not ready for it at the time.”
- “8.5. I would maybe repeat at this point also the need to show respect for their potential disinterest for access to justice, to seek a remedy, to change their mind, to have other priorities. This is not always obvious for actors impassioned about what they do and believe is useful to victims.”
- “It is proposed to include as part of the access to justice for survivors the right to obtain truth, justice, reparation and non-repetition.”
- “I’m really glad to see this section, but there could be further language/commitments around the pursuit of justice (in whatever form) as a guiding force in this code. Ethical reporting/investigations are only one part of tackling injustice.”

Connection to 1.4 consent and 1.6 Priorities

- “The survivors need to feel empowered-give them the control. (If recording them) ask survivors if you can record them first.”

Further guidance in the commentary around decision to record or not

- He also asked about a position on recording the interview – there are so many debates about that. We looked at principle 8 where the recognition of the potentially harmful effect of doing that is noted. All three stressed that recorded interviews can’t be introduced in evidence by the prosecution. He wondered if we could add something in the Commentary about the types of questions and consideration you need to consider before recording. “Be mindful of the

consequences of your actions, including recording statements, know your mandate and what benefit there would be for recording. Have the conversation with the survivor as part of informed consent about whether to record. People don't tend to share recordings although it could be one way to reduce multiple interviews if one lead."

- One of the challenges he discussed was around the recording of statements. Video/audio recordings of statements were not entered as evidence, only a summary of the statement was entered. He highlighted the concerns around this which included the inability to accurately reflect the emotions and body language, and the difficulty in reducing a four- or five-hour statement into a brief written summary without losing valuable content.

Survivor-centred approach?

- "Consider: - How does this promote the survivor-centred approach?"
- "As defined by the survivors themselves."

2.8.6 No contamination/loss of evidence:

*We will not take or remove original documents, physical items or other evidence from the survivor or a location, even when asked to do so, unless we have the mandate, it is necessary, we can do so safely, and we have the capacity to manage and preserve **and safeguard the integrity of** such evidence.*

Some of the suggested edits from commentators are included above in red tracked text.

- "Consider: - Is evidence only documents or physical? - How is collecting a testimony align with 'not taking... evidence from the survivor'?"

Importance

- "Those accused are innocent until proved guilty and are entitled to defend themselves and to test the evidence by e.g challenging the credibility of the witnesses. Accordingly, it is vital to ensure that the evidence adduced by the prosecution is sustainable and not compromised nor contaminated; otherwise, the accused can exploit these weaknesses-or they can render the prosecution unviable from the outset. Examples of pitfalls include the increasing disclosure obligations - e.g. material which may avail the defendant; massive amounts of digital material differing accounts from the complainant and witnesses; witness collusion- (very easy to assert if there have been group debrief sessions), therapy and counselling which takes place simultaneously can create opportunities to compare accounts."
- "So important. Do you have resources listed to help explain chain of custody & admissibility concerns?"
- "Media must not enter an area of significant forensic evidence without training."
- "Media professionals must not touch nor disturb forensic evidence. Media professionals must have clear resource guidelines on whom to notify if they have interviewed survivors on the record or have encountered forensic evidence that is of potential value to future trial."

Additional aspects

- "8.6 about the removal of evidence. He agrees that it should not be done without a mandate or if it can't be done safely. He asks if we can also add – and others are not better placed to do it. He believes that self-reflection is important."
- "It could be good to create a separate bullet about photography as evidence and how to handle it."
- "We recommend that the commentary clarifies whether this includes the taking of pictures/videos or other copying of such evidence."

- “We have the survivor’s explicit consent to do so.”
- “Might want to add something about not publishing anything online without explicit consent and redacting information that could identify someone (thinking about the ISIS files and publications that potentially put people at risk).”
- “It is necessary to articulate this responsibility of the interviewer, with the existing regulations in each area on the handling and custody of the evidence. In general terms, it corresponds to the Public Ministry, the plaintiffs and the procedural subjects themselves, to guard and preserve the evidence.”
- “If it is not a judicial authority, it is a risk to take documents that may constitute evidence in a possible judicial scenario, it is not recommended that those who document the cases take the documents, if they need them for documentation they must be copies or photos that have a level of confidentiality that all documentation has.”

Soften

- “‘even when asked to do so, unless we have the mandate, it is necessary, we can do so safely, and we have the capacity to manage and preserve such evidence.’ Unless a clear emergency exists – e.g. potential loss or damage to the evidence/traces of a possible offence.”
- “Perhaps the logic of this section should be flipped to cover how the interviewer will handle evidence - via best practices, preserving chain of custody and training all team members to handle it appropriately.”

2.8.7 Secondary/vicarious trauma:

We will ensure measures are in place to minimise/prevent our own trauma and the harmful effects of the work on ourselves and our team and our institution/organization, as well as on the survivors themselves, including basic training on signs and symptoms of secondary trauma, support protocols and safe working methods including safeguards on the volume or type of work and institutional protocols to handle such trauma.”

Some of the suggested edits from commentators are included above in red tracked text.

Importance

- “Survivor-Documents self-care must be in Murad Code. What are the principles of self-care when the documenter is also a victim.”
- “Other important points are all included: such as the risk of secondary victimization (8.7) and taking into account the sex of the interviewer (it is better not to have female victims of sexual violence interviewed by men (6.1).”
- “For documenters, it is difficult hearing about trauma. Take care of yourself. It is inevitable to have vicarious trauma. Changes how you view the world.”

Further guidance or additions

- “Consider: - What trainings, methods, and protocols are being applied?”
- “Again, I think it would be worth including discussion of interpreters – they also risk these impacts.”
- “Also need to consider the ‘intermediaries’ such as the local organizations that help to organize interviews/documentation, interpreters (if not already considered part of the team), family members or community members who may be present, etc.”
- “Under point 8.7, it is suggested to replace ‘secondary trauma’ with ‘vicarious trauma’, in order to avoid confusion with the term ‘secondary victimization’, which is defined by the UN as ‘victimization that occurs not as a direct result of a criminal act but through the inadequate

response of institutions and individuals to the victim' (A/Res/65/228). As used in the present draft, the term secondary trauma seems to refer to the concept of vicarious victimization or emotional exposure of those who work with victims/survivors of sexual violence and become the witnesses of their accounts."

2.8.8 Complaints and accountability:

We will use existing, or where necessary work with partners to help create, monitoring feedback loops for survivor complaints, and complaints by service providers or others about conduct which breaches this Code.

Importance

- She also stressed the importance of a complaints mechanism – in her experience survivors tell us all the time about previous bad experiences and practice. "It is important that there is a place to report that and to be heard. It is especially important that this is an active agencies (suggesting centralised)." She sees this as fundamental.
- "we appreciate that this is the final item, as it is key. Any additional places where this can be emphasized would be beneficial."
- She also wanted to stress how important a complaint mechanism is. "The question is how to do this effectively in practice but it's important. Maybe the Survivor's Guide would provide one centralised contact or a range of contacts for different literacies and communications methods. It is important that survivor can report and ask for help. The Code has no value if there is not a complaints mechanism that goes with it. Their rights are violated all the time. If journalists, academics, others knew there was a chance of being reported and there being repercussions, they would act in a different manner – it changes the picture and the balance completely. The challenge is what body could do that and what possible soft sanctions there might be. But it should help change attitudes."
- She also wanted to say how important a complaint mechanism was. That accountability for these actors in this space was missing.
- "We support the suggestion (in point 8.8 of the draft) to create an internal complaint mechanism that survivors and those working on their behalf can access."
- "The code will be a useful guidance instrument, but not an enforceable legal instrument, unless elevated to this status. Given the severity of the impact on victims where the documentation and investigation of conflict related sexual violence, it would be advisable to have a reporting channel or some platform where victims can report if they feel that they have been treated in a manner that does not meet the minimum required standards of conduct, and some form of reporting mechanism to report the conduct of the actor to the party or organization who they represent. There has to be a degree of accountability, and a mechanism to hold those documenting and investigating accountable for their actions. Referring back to my earlier comment of mechanism to hold the actors involved in this process accountable."
- "Accountability for the code is essential, or else it falls to the fate of many of the other documents you consulted in preparing this document."
- "Yes - it is essential for there to be enforcement and monitoring so if there is a context where there is unethical documentation occurring corrective actions can be taken asap."

Strengthen wording on accountability or consequences

- "The right of survivors to effective remedies should be given more prominence if this initiative is expected to be survivor-centric. While not all of those who interview survivors may be in a position to contribute towards remedies for sexual violence, they need to be accountable for their actions as a remedy for breaches of the Code that carry the risk of secondary victimization of survivors. For example, point 8.8 is about accountability but merely mentions 'monitoring feedback loops'.

This should be strengthened by adding a reference to ‘appropriate oversight and accountability mechanisms’. The UN General Assembly has provided explicit standards and norms in this regard, calling on Member States “to ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction (...) and that such officials are held accountable for any infringement [of the rule of law and codes of conduct] through appropriate oversight and accountability mechanisms” and on the media to develop codes of ethics and self-regulatory measures “while respecting the freedom of the media, aimed at enhancing respect for the rights and dignity of women, while discouraging both discrimination and gender stereotyping” (A/Res/65/228, annex, paras 16(d), 16(j) and 23).”

- “Yes- information should be provided highlighting consequences of non-adherence as well as the negative consequences for survivors. This could contribute to/encourage the Code being adequately and sufficiently applied.”
- “Relatively little language on accountability.”
- “Consider: How does this align with the survivor-centred approach? How does this align with current complaints and accountability mechanisms?”

Practicality, accessibility for survivors and effectiveness of any complaint mechanism

- “Power dynamic and reporting against an institution and if institution tells you to go away-how do you complain to an institution against an institution? How about those with less power, access it, not speak same language?-How do you make a complaint about a complaint?”
- “You could imagine perhaps UNHCR playing a role in taking complaints of bad interview practices, but hard to have a standard when things are so varied. And not sure how else a complaints mechanism could work.”
- “Share our pledge to be accountable, some way for the survivor to contact us – complicated for obvious reasons. Snitching on other researchers/journalists working in crisis circumstances hard, even when you see bad practice. One thing to complain to them about it, another to an external body. And local organizations might not have resources to do training etc. might be kind of weird as an outsider probably making other mistakes to complain? But perhaps more openness to accountability now, international orgs have been forced to set up safeguarding mechs now internally in the wake of #metoo scandals and abuse of aid services for sex scandals – many have them now, whoever finds out that a humanitarian actor has breached, do you take the position to report it.”
- “One of the discussions was creating “reporting system” for the victims. Some victims might not be in a position to have access to devices (landline, mobile, computer) to make the reporting happen, some might even be illiterate. She also mentioned people with intellectual disabilities being in excluded in victim testimonies. What is the plan to make this “reporting system” accessible to victims?”

3 FEEDBACK FROM THEMATIC AND REGIONAL ROUNDTABLES & OSINT CONSULTATIONS

3.1 Overall and general comments from thematic and regional roundtables (“RT”)

3.1.1 Relevance and usefulness

- The Murad Code Project has undertaken a monumental task in drafting a minimum standard code of ethics for documenting conflict related sexual violence that applies to a range of documenters, from those working in the media, to those in the humanitarian context, and criminal investigations. Because documenters approach their work from different lenses, with different resources, and with unique standards where some already work according to existing ethical

codes, while others have none, developing global minimum standards is a challenge. Where possible, this report included recommendations to revise language to make some of these provisions more widely applicable. [ME RT]

- The Murad Code Project has undertaken the important task of drafting a minimum standard code for documenting CRSV that applies to a range of documenters. Participants applauded IICI for its efforts to ensure that children were adequately reflected in the minimum standards set forth in the DMC. [Child Rights RT]
- The code was welcomed by everyone and there was no criticisms of ableism in the code. However, the majority of comments related to the potential for increasing visibility of disabled people as researchers and interviewees in data/evidence collecting processes. There is no reference to peer research in the current draft code.
- It is important for researchers to recognise that disabled people themselves internalise beliefs that they will not be believed when disclosing sexual violence. This can be reinforced by investigative agencies or actors who exclude disabled people from their data collection as they assume disabled people are asexual/non-sexual/wouldn't be subjected to sexual violence.
- Value of disabled people's lives in conflict settings is reduced, this should be a factor in how to approach data collection. In conflict research there is little known about where and how disabled people are situated so it is important that data gathering includes a disability perspective.
- Recognise that disabled people are involved in conflict, not just passive experiences. There are examples of Deaf and persons with learning disabilities are used as suicide bombers or for transporting weapons as they would not be suspected by government/armed forces.
- One participant suggested recognising an additional factor to paragraph 6 of the Background Information, 'A: What the code seeks to address': Use of inaccessible communication, information and feedback mechanisms to collect feedback and information from vulnerable victims of sexual violence for instance those with disabilities.
- There was also a comment on the image of the Table outlining the Eight Core Principles to be more accessible for those with visual impairments. 'Need to adjust the table for accessibility: Colour contrast of icons and ALL CAPs usage.' [Disability Rights RT]
- All consultees commented that the objectives behind the Murad Code (MC) are very relevant for Latin America, and having an instrument that synthesizes/summarizes the basic principles of proper documentation could have an important positive impact on how documentation is conducted.
- This was underscored by consultees who work closely with children survivors of sexual violence and with survivors who are also victims of torture, who highlighted that there are no simple guidelines for documenting/engaging with survivors in these categories.
- Every consultee stated their admiration and appreciation to IICI and the authors of the draft MC for having undertaken such a challenging endeavour, recognizing the difficulty of synthesizing such a wide range of standards and considerations, especially at a global level. Although there were many observations and suggestions for how to adjust the MC, all consultees reiterated their belief in the utility of the MC and that the current draft was a very strong basis for a tool that could have a positive impact in Latin America.
- Several consultees mentioned that there are numerous documenters in Latin America with limited/no access to training (e.g. CBOs, survivors as documenters from rural communities) and who are unaware of and/or would find it difficult to use the existing (and often long and complicated) manuals/guidelines on documentation. Having an easy-to-understand tool focused on core standards would be useful in the absence of always ensuring that documenters are well trained (which is unrealistic).
- Some consultees felt that the MC needs a bit of tweaking in its presentation to be a useful tool for a wide range of documenters, notably those with limited access to formal training and other resources (e.g. ensure the MC uses clear and simple language, in-hand useability of the MC so that

it doesn't require learning/reading too many accompanying tools/publications to understand what it is telling us.) [LatAm RT]

- Overall, all participants expressed that the Murad Code would be highly useful in their work and for other activists working on LGBTIQ issues in conflict and atrocity settings. Generally, participants found the Murad Code provides a consistent and holistic view on survivors' rights. One participant noted "It's a commendable piece of work and I think it'll make a real difference if it were to receive the recognition and attention that it rightfully deserves."
- There was also a general feeling that those who work in these contexts but outside of the LGBTIQ context have a tendency of drifting towards tokenizing victims rather than taking the necessary steps to fully understand the circumstances of working with such survivors of sexual violence. In this way, the Code would be useful in helping to affirm a more holistic and ethical approach that needs to be taken when engaging with survivors. [LGBTIQ Rights RT]
- Three participants felt that the DMC was not useful for trained interviewers but may be more useful for donors and organisations to understand minimum standards. *"The Code is not that useful for investigators. It could be very useful for the likes of donors and programme directors. People up top who need to better understand the commitment we are making when engaging children. Maybe [the DMC] is actually not for the interviewer. The thinking that a child interview is a project is fundamentally wrong."*
- Most participants (5) expressed concern as to how minimum standards could apply to a wide array of documenters who are documenting CRSV for a wide array of purposes. Participants stressed challenges in developing a draft code which establishes unique minimum standards, especially where some standards may already be professionally available in a number of contexts. It was recommended that specialised principles are needed in any Code depending on the documenter and the purpose. However, participants recognised that it would be challenging to develop principles establishing a child-sensitive way of working that applies to all possible actors and victims. This is especially difficult in light of the number of documenters and various purposes. Some examples of participants' views include: *"It is hard to understand how the document can be used by all documenters."* *"Conceptually the document is problematic. Problematic in the sense that it wants to attach to everyone and there are just too many ways and there is no size fits all. I don't know if its feasible or advisable."*
- It was suggested that the DMC be reviewed to address the Code's fundamental assumptions, namely: (i) work is primarily done by individuals; (ii) it is primarily about interviewing; and (iii) it is possible to have a set of principles applicable in all circumstances. According to most participants, these assumptions may not necessarily reflect reality. [Child Rights RT]
[Noting to avoid confusion that assumptions (i) and (ii) are those of the RT participants, but that such assumptions would be addressed in forthcoming work.]
- There was enthusiasm to address the issues which the Murad Code aims to address. Everyone was pleased to be consulted and the feedback was largely reinforced by all participants. [Disability Rights RT]

3.1.2 Survivor rights and role in development

The role of survivors

A consultee who is also a survivor of human rights violations had many questions regarding the origin of the MC project and the role that survivors themselves have played / continue to play in the development of the MC.

- She felt that as it is currently drafted, the role of survivors in the development of the MC is not clear, and suggests adding a very brief but clear mention of the role of survivors in the opening paragraph of the actual MC.
- Although the role of survivors in the conception and development of the MC may be more clear in the accompanying documents (e.g. on the MC website, or in the Survivor's Charter), this

consultee felt that if the MC is to be a truly survivor-centered tool, the role of survivors should be noted at the beginning of the MC itself. [LatAm RT]

Representative peer work including survivors as documenters

- It was indicated that the participation of survivors in documentation processes (such as interviews or other types of contacts with victims/survivors) could be beneficial to create a bond of greater trust and empathy. Personal stories were shared, highlighting the importance of expressing words of encouragement, empathy, and respect to victims and survivors. [Survivors as Documenters RT]

Does the MC address all the relevant rights of survivors?

- All consultees felt that the MC did a generally good job of considering the diverse rights of victims, but in 2 roundtables consultees noted that although the MC specifically refers to the right to reparations at least once, and the right to justice several times, **guarantees of non-repetition** and **the right to truth** are not explicitly mentioned anywhere in the MC.
- Consultees had no concrete suggestions about how to integrate these rights into the MC, but mentioned that these are core rights that are often overlooked and should maybe be mentioned somewhere in the text of the MC.
- Consultees noted that in the Latin American context, the recognition of the right to truth has played an important role in the construction of collective and historical memory, and has been / is central to transitional justice processes across the region. Some consultees felt it was therefore very important for the MC to acknowledge the right to truth, in addition because it is central to processes of documentation and therefor especially relevant for the MC. [LatAm RT]
- Some survivors indicated that the Murad Code should also emphasize **the guarantees of non-repetition** for CRSV cases, which are not currently included in the draft version of the document. [Survivors as Documenters RT]
- Participants also noted on the sensitive nature of interviewing LGBTIQ+ victims of sexual violence and commented on the supportive and strong stance of the Murad Code on this issue. One participant noted that it could also be useful to add a note to the Code explaining how it is best practice to let victims know what their options are for communicating to investigators. For example, is an in person the only option for an interview? Or could the interview be conducted online through a secured platform? Offering options could help encourage victims to come forward. [LGBTIQ Rights RT]
- Several participants noted the issue of investigators making certain **assumptions** about victims with regard to certain categories, specifically, sexual orientation and gender identity. This is often also true about other categories such as ethnicity, age, ability status, etc. The participant recommended making a broader statement about the need to be cognizant about making assumptions (or buying into stereotypes) on vulnerable categories that include SOGIESC as well as other categories (race, ethnicity, nationality, age, ability status, etc). Consider adding a broader statement about the need to be cognizant about making assumptions (or buying into stereotypes) on vulnerable categories that include SOGIESC as well as other categories (race, ethnicity, nationality, age, ability status, etc). [LGBTIQ Rights RT]
- Participants stressed that there should be no presumption of invalidity in relation to children and that recognition must be had to the fact that children do not always present testimonies with the same precision as adults. However, three participants emphasised the need to recognise in the DMC that children are particularly vulnerable to suggestive interview practices. [Child Rights RT]
- It is important for researchers to recognise that disabled people themselves internalise beliefs that they will not be believed when disclosing sexual violence. This can be reinforced by investigative agencies or actors who exclude disabled people from their data collection as they assume disabled people are asexual/non-sexual/wouldn't be subjected to sexual violence. [Disability Rights RT]

- Researchers **can't assume** disabled people don't have their own thoughts and ideas and coping mechanisms about what they have experienced and how they want their experience to be reflected. Don't always push for medical based therapies or supports because the researcher thinks that is what is needed, the disabled person will know what they need. [Disability Rights RT]
- Another participant noted that it would be useful to have a bullet point on allowing interviewees the time and space to **self-identify** with regard to any identity categories that might be important to the research at hand. There could, relatedly, also be language about "preparedness" including being consciously prepared to interview survivors of all genders, sexual orientations, abilities, etc. [LGBTIQ Rights RT]
- Best practice is to adopt the terminology being used by the disabled person. It is important to note as well that many people may have impairments and do not identify as being disabled, for example people who are Deaf might describe themselves as a linguistic minority, rather than as being disabled. Always respect how the person identifies themselves. The MURAD code should **promote self-identification** and respecting the identity of the interviewee. [Disability Rights RT]
- Participants identified the need not to reduce survivors to a single quality or tag (such as "survivors"). It was mentioned the importance of acknowledging their diverse backgrounds and multiple roles: researchers, investigators, facilitators, social workers, journalists, lawyers, etc. These categories are expressed in the draft Murad Code as watertight compartments. In many cases, survivors can quickly move from one to the other (i.e., a survivor who has the role of facilitator/intermediary and then is asked to participate as an investigator during the interview with another survivor).
- Participants focused on the relevance of acknowledging in the Murad Code survivors' need to obtain an integral reparation and the role they have in this process. Therefore, a survivor/documenter may better understand the aspects and boundaries when determining the characteristics of an integral reparation in a specific case (own or others). Another element highlighted during the roundtable was the role that reparations have in empowering survivors and their role in the Murad Code. According to the participants, both aspects –reparation and empowerment– should be more emphasized in the draft Murad Code.
- Survivors stressed the importance of adopting measures to protect the identity of victims of CRSV and reduce stigma, especially concerning actions aimed at mitigating threats and attacks in social media.
- In addition, participants also identified risks that mainly affect survivors/documenters related to the quality of their work (as investigators, social workers, etc.). In these cases, due to their character as survivors, survivor/documenters are generally attacked, discrediting or casting doubt on the reliability and credibility of their work. It was mentioned that survivors have to fight against stigmatization, which can present different forms (i.e., cultural issues derived from the CRSV, treated as traitors for surviving specific violent events, attacks related to their political orientation, etc.). As mentioned, in cases of survivors/documenters, this circumstance can be potentiated. The Murad Code could also help raise awareness about the essential role that survivors and survivors/documenters have in society.
- As part of a broader goal of the Murad Code, some participants suggested connecting with other survivors or organizing an event to promote fruitful exchanges across diverse regions and cultures. In particular, some survivors mentioned that they were in contact with local or regional victim organizations or other survivors, but it was not the case concerning different continents (mainly due to linguistic barriers and resources). It was emphasized that promoting this type of regional exchange could be an enriching and empowering experience for survivors. [Survivors as Documenters RT]

Integrating the rights of specific groups of survivors within universal code

- All participants agreed on the importance of elucidating specific issues in relation to children in the DMC. Most participants who expressed their views on how to address children within the DMC

felt that issues in relation to children could be addressed in a separate chapter within the DMC. As an illustration, which was also provided to IICI in initial consultations, the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict (2017) includes a separate section specifically dedicated to sexual violence against children and to sexual violence against men and boys. Some participants agreed that issues of men and boys would need to be separately addressed by the DMC.

- Two participants across both roundtables shared strong views on the need to develop a completely separate Code in relation to children. One participant stated that it would be “tolerable to have a separate chapter.” They strongly urged IICI to take leadership on the matter and acknowledge, in a strong way, that children are a separate category of victims and witnesses deserving of particular and specific attention outside of the context of gender. Historic challenges of tying children to gender in policy and organisational structures were cited, resulting in matters of children being subsumed by issues of gender, consequently running the risk of leaving children behind. Another participant likened mainstreaming children to the “dangerous approach taken” in the Istanbul Protocol but provided no further commentary in this regard. Mainstreaming children’s issues in the DMC was viewed as exacerbating the long-standing conflation of children with gender and CRSV. The DMC was seen as an opportunity to view children separately in order to gain a wider understanding why violence against children, including CRSV, occurs, and its impact on children and communities. This, according to one of the two participants, would ensure that the DMC reflects child-sensitive principles which should be applied and informed by the development stage and age of the child.
- Two participants expressed the desirability of mainstreaming issues in relation to children. One argument made in support of this approach by one participant was that mainstreaming minimum standards for children would invariably benefit all survivors of CRSV. Another argument in favour of this approach was that we “too often separate children from human beings.” One participant argued for a hybrid approach whereby certain issues can be mainstreamed throughout the DMC and others can be set aside specifically for children. No concrete recommendations on this division were provided and efforts to engage the participant in a further one-on-one was unfruitful.
- It should be noted that even where participants expressed the desire for a separate chapter on children, they nonetheless interacted with the eight principles and engaged in discussions which involved the placement of certain child-related issues within the framework of current principles. This demonstrates that it may be possible to mainstream issues of children throughout. The issues illuminated from discussions and recommendations provided are highlighted as noted in greater detail below in relation to specific principles.
- Children with disabilities were addressed in relation to how to incorporate children within the DMC. Participants largely agreed that issues of children with disabilities could be mainstreamed and did not require a separate section.
- *“It is time for a standalone document to give [issues pertaining to children] that prominence. We cannot conflate it by annexing the issues. Anywhere we are doing work in accountability we should start to endeavour to make it a separate focus.”*
- *“One possibility is to address principles which are particularly relevant to children. Much of the Murad Code is already true for children so I do not think we need a Murad Code for children. One thing that needs to be stated is that talking about children from 0-18 covers a lot of different things.”* [Child Rights RT]
- Participants largely felt that it was important to reflect the rights and principles set forth in the United Nations Convention on the Rights of the Child (UNCRC). Participants recommended that the DMC be strengthened to recognise children as rights-holders.
 - Definition of the child: All participants agreed on the need to include a definition of a child to mean all individuals under the age of 18 as set forth in the UNCRC. Four participants expressed the view that chronological age does not necessarily tell us if a person is a child. Therefore, there is a need for the DMC to emphasise the need to address each person on an individual

basis (e.g. “A 23-year-old may be more like a child than a 17-year-old”). Participants also noted that adolescent girls are sometimes conflated with women. There is therefore a need to address this issue in the DMC. “We should break out of the issue of chronological age and start taking people as they are.”

Consultant recommendation: *For the purposes of the DMC, survivors could be specifically defined to include both adults and children. A child should then be defined to mean every human being below the age of eighteen years. In light of the lack of identification documents in some contexts, the DMC may also benefit from recognising that documenters should consider young persons whose ages are unknown to be children for the purposes of their engagement unless there is reasonable basis to believe otherwise.*

- Four Guiding principles of the UNCRC: While welcoming the reference to the best interests of the child, participants emphasised the need to include the four guiding principles, only one of which is “best interests.”

Consultant Recommendation: *Include all four guiding principles as set forth in the UNCRC. It should be specifically noted that documenters should, in their interaction with a child, respect his or her rights and best interests. Documenters should also be guided by other key principles, including “do no harm” or in the very least, minimise the harm that they are doing. In that way, the DMC should recognise that “we ensure all actions and decisions in relation to children should aim to benefit and avoid/prevent harm, giving consideration to children’s rights and best interests.” The following language is recommended in relation to each principle should it be determined that each should be expressed separately (and as principles):*

- **Non-discrimination** (Article 2): “We shall ensure that we do not subject children to any form of discrimination during the course of our work. We shall work with children irrespective of the child's parents or legal guardian, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, poverty, disability, birth or other status.”
 - **Best interests of the child** (Article 3): “We shall ensure that the best interest of the child shall be a primary consideration in all actions and decisions affecting children.” The Commentary may wish to address the two step approach required to balance a child’s best interest with other considerations. It should also recognise that the interests of children are different from adults, and therefore when adults make decisions that affect children they must think carefully about how their decisions will impact children.
 - **The right to life, survival and development** (Article 6): “We shall ensure that our engagement with children does not impede a child’s right to develop in an optimal way: physically, mentally, spiritually, morally, and socially. We will undertake appropriate risk assessments and all efforts to mitigate any risk to a child’s life, survival, and development including by providing appropriate response and support.”
 - **Right to express one’s views and have them considered** (Article 12): “We recognise that a child who is capable of forming his or her own views has the right to express those views freely in all matters affecting him or her. We will try to make the process as participatory as possible and give due weight to the views of a child in accordance with his or her age and maturity. We also recognise that a child’s right to participation also includes the right to receive information and advice in a manner which is child-sensitive and recognises his or her evolving capacities.” The Commentary would benefit from expounding an understanding that age and maturity do not demand that a child has full and comprehensive knowledge or understanding. In this way, recognition of the differences between interviewing a child and an adult should be illuminated, including for example that developmental stages are unique to each child, and that children communicate and think differently than adults, among others. [Child Rights RT]
- Everyone understood the need to keep the code brief and the accompanying document was identified as a source for more detail on disability specific concepts that can inform the MURAD code to be explained. This should be guided by the UNCRPD. These are explained here:

- In the accompanying document there needs to be an overall non-exhaustive description of disability. Potential **definition of disability** – The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) does not define disability but does identify a broad understanding: Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (Article 1, UNCRPD)
- The UNCRPD uses '**persons with disabilities**' while many others use 'disabled people'. Best practice is to adopt the terminology being used by the disabled person. It is important to note as well that many people may have impairments and do not identify as being disabled, for example people who are Deaf might describe themselves as a linguistic minority, rather than as being disabled. Always respect how the person identifies themselves. The MURAD code should promote self-identification and respecting the identity of the interviewee.
- **Disabled People's Organisations (DPO)/Organisations of Persons with Disabilities (OPD)** - All participants suggested using DPOs/OPDs as local partners to gather evidence from survivors with disabilities. DPOs/OPDs are defined in UNCRPD as 'Organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.' (Article 29, UNCRPD). DPOs/OPDs differ from disability service organisations dramatically as the expertise, power and organising of the group is led by disabled people, rather than non-disabled people taking a medical approach to providing health or social care services. It is always preferable to engage with DPOs – they may refer to themselves as self-advocacy groups also.
- There should be an explanation of legal capacity (the international rights standards and how national laws violate this) **Legal capacity** - Legal capacity is the ability to have decisions legally respected. There are instances where it is not possible to ascertain a person's decision or where their decision making is restricted by law. The UNCRPD says that no-one shall be deprived of their legal capacity based on disability alone. (Article 12, UNCRPD. UN Committee on the Rights of Persons with Disabilities, General Comment 1). Disabled people should be supported to make decisions, rather than have their legal capacity removed. In relation to the MURAD code, it is important that researchers/data collectors do not exclude people automatically from participating because their national regime has deprived them of legal capacity. Researchers should put processes in place to support individuals to make a decision about participating in the data collection. This includes alerting them to any potential harms/outcomes, how these will be ameliorated or removed, allowing them to have a support person present during the interviews, having materials available in formats that they understand.
- The value and importance of inclusion also needs to be outlined to convince people why they need to take a disability rights approach to data collection for sexual violence survivors. (Suggestion by AS above) **Importance of including disabled people** – Historically disabled people have been subject to medical and social interventions designed by non-disabled professionals who act in the best interests of disabled people. This denies disabled people autonomy over their lives. Often disabled people have internalised ableist attitudes and will not report sexual violence perpetrated against them because they don't think they will be believed. Where data is being gathered for the purposes of devising policies and practices to respond to needs of people experiencing sexual violence, conflict, emergency having disability perspectives is very useful as if systems are designed in a disability positive manner, everyone will benefit.
- There should be an explanation the social model of disability (individuals are diverse and have impairments but society disables people when access to services and opportunities are not available on an equal basis to everyone). **Social Model of Disability** – The social

model of disability recognises that society creates barriers, the person is disabled by an inaccessible environment. Humans are diverse in every way and the manner in which society is set up currently discriminates against and excludes people with different impairments. By addressing the barriers in society we will respect the rights of disabled people. (Oliver M. (1996) *The Social Model in Context*. In: *Understanding Disability*. Palgrave, London. https://doi.org/10.1007/978-1-349-24269-6_4)

- **Human Rights Model of Disability** – Formulated by Theresia Degener, the human rights model of disability recognises that people with impairments aren't only disabled by society on account of their impairment, but by their intersectional identities and the real restrictions and pain associated with their impairments. For example, where someone is living with a mobility impairment which is also a cause of pain or exhaustion, simply facilitating a ramp access point will not ensure their ability to attend a service.
- **Reasonable accommodations** - Using the UNCRPD approach this means 'necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.' (Article 2 UNCRPD) This could include provision of ramps, lifts, hoists, wheelchairs for different terrains, sign/language interpretation, materials in various formats – Braille, Plain language, Easy to Read, PDF documents, audio description of visual materials. A reasonable accommodation put in place for one person with a particular impairment might not work for another person with the same impairment. Flexibility is important.
- **Informed Consent:** This is connected to legal capacity and providing support to enable someone to make a decision about participating in research and how their information is used. Look to the Inter Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, p26: 'All individuals have a right to make informed decisions on whether their personal data are collected and how their personal data are used. Those who collect personal data need to be able to explain how and for what purpose that data will be used and provide assurances with respect to its confidentiality. To enable persons with disabilities to give their informed consent, information on the use of their data may need to be provided in multiple formats. It may also be necessary to allocate more time for explanation and arriving at a decision. Some persons with disabilities may wish to ask a trusted person to support them in making an informed decision. Information and data should be protected. For example, avoid identifying individuals who might subsequently as a result be harassed, persecuted or killed.' (https://interagencystandingcommittee.org/system/files/2020-11/IASC%20Guidelines%20on%20the%20Inclusion%20of%20Persons%20with%20Disabilities%20in%20Humanitarian%20Action%2C%202019_0.pdf). [Disability Rights RT]

3.1.3 Communal and collective societies

From a MENA perspective where the society is communal rather than individualistic, participants recognized the importance of treating survivors as individuals. At the same time, they recognized the importance of the role of families, many of whom are also secondarily impacted by trauma and who also support survivors. One participant noted in the *Global Standards for Rehabilitation of Torture Victims* is includes "support to families" not just survivors was included. He noted this was particularly true in the case of child survivors who lack the capacity to engage as individuals on their own. [ME RT]

All consultees who have experience working with indigenous people or who are indigenous themselves noted that as the MC is being reviewed, the authors should be careful to take into consideration and allow for diverse worldviews and concepts of identity and justice, notably the concept of "collective identity" found in many indigenous communities across Latin America.

- This was noted as especially important in Basic Principle 1, where we mention an “individualized approach” and respecting a survivor’s beliefs and priorities. When engaging with indigenous survivors in particular, documenters must keep in mind that some survivors will place the desires, priorities, and needs of the collective before their own individual desires and needs, and that this is not to be seen as a violation of their rights or undue pressure from their community but to be respected as their prerogative, since it may be linked to their sense of collective identity.
- It was also noted that beyond mentioning this in Basic Principle 1, the entire MC should be reviewed with this in mind to ensure that there is recognition and respect for a survivor’s culture, notably when referring to non-discrimination, priorities, etc.
- There was some discussion regarding if the term “individualized approach” was particularly problematic (notably in points 1.1 and 1.3). A couple of consultees suggested using terms like “personalized and contextualized approach” instead, but overall consultees agreed that ensuring that the MC allows for survivors’ diverse worldviews and concepts of identity is more important than reviewing specific terminology. [LatAm RT]
- While noting that the DMC does not include or address children conceived as a result of CRSV, participants provided few recommendations on this topic. It was agreed that there is a need to pay particular attention in the draft Code to children conceived through CRSV abuses and recognise the heightened levels of stigmatisation often faced by these children within families and communities. This feedback is consistent with that provided in initial consultations undertaken by IICI whereby participants noted heightened stigmatisation in Liberia, Sierra Leone and Uganda as well as against children born of IS fighters and Yezidi mothers. One participant recommended that this matter could be addressed by including reference to the impact of sexual violence on communities, which she stated would also serve to bring attention to the issue. In the consultant’s view this matter could also be addressed by recognising children as members of families and inter/multi-generational communities. [Child Rights RT]

3.1.4 ‘Code of conduct’ as a concept

In the MENA region: The DMC is intended to be a serious document that has more influence than guidelines or best practices, yet does not have the force of law, and where there may be consequences for violating the code which are less severe than those of violating legal codes. From discussions with MENA participants, it appears that the literal translation, as well as the cultural experience, suggests that the DMC will be seen as a set of guidelines and best practices. Below are several statements made at the beginning of the discussion by participants.

- These are nice principles, but they are hard to implement practically.
- The draft theoretically speaking is good.
- This should be a law applied by governments, then CBOs, because when the government gives a decision, everyone has to follow this law which could be one step to ensure it is applied.
- For those people themselves – theoretically nice but it’s not easy. It is hard to put we in the position of letting the survivors talk and show empathy – these are all difficult principles themselves.

Recommendation to include language in the beginning of the revised DMC, which could be further elaborated on in the Commentary, that acknowledging that how “Code of Conduct” is translated across language and culture varies, and state that the global code is intended to have a status that is more serious than guidelines though it will not have the force of law.

Suggested language: “We acknowledge that the concept of a Code of Conduct varies across different languages, and that in certain cultures and professions a Code of Conduct is taken seriously and could lead to consequences if it is violated, while in other contexts a Code of Conduct is perceived as a set of guidelines or best practices. The global Murad Code is intended to be a set of provisions that are taken seriously by individuals who document conflict related sexual violence that will over time be

adopted in part or in whole of legal reform, by professional organizations and entities in order to establish consequences for those who violate the Murad Code and expose survivors to risk. To be clear, the goal is that the Murad Code is perceived and applied as more than a set of guidelines and best practices.”

Latin America (Código de conducta): A majority of the consultees stated that they prefer the term “Protocolo” (“Protocol” in English) and feel that it is more appropriate for this type of instrument. **Consultant’s note:** *this may be due to the fact that the Istanbul Protocol is an instrument that is well-known and respected among many of the consultees.* Some consultees mentioned that the reason that they don’t feel that “code of conduct” / “código de conducta” is appropriate is that because in Latin America the term “código” is often reserved for legislation. However, one lawyer/investigator said that this is why he actually liked the use of “Código” for the MC, since he felt that this was a way to make it sounds more official and may encourage some to take it more seriously, and might thus in some ways pave the way for the MC to become soft law. Other suggested terms to use instead of “Code of conduct” included “Reglas” (“Rules”) or “Principios” (“Principles”, to echo the Mendez Principles). [LatAm RT]

3.1.5 Application of the Code

Objectives/next steps/intended audience of the MC

Several consultees expressed some form of confusion or questions about who the MC is aimed at, and how it is meant to be implemented:

- Two consultees noted that the phrasing in the introduction of draft MC (“the objective of the Code of Conduct is to build and support a community of better practice”) sounds aspirational but ambiguous. They noted that a statement like this might be better suited for the MC’s website or a separate document/preamble, but that the actual instrument itself needed to be more concrete and practical, explaining who is the MC meant to be used by and how.
- In addition, these consultees and a couple of others felt there was a lack of clarity regarding how the MC will be put into practice (e.g. consultees asked whether there is the intention for the MC to be adopted by the UN like the Mandela Rules; or if the goal was for it to be adopted into national legislations; or if we are calling for all documenters and organizations that document to adopt the MC themselves and put it into practice).
- Several consultees echoed that they felt that someone who comes across the MC may not clearly understand its context / who its written by and for. They therefore stressed the need for the introduction to the actual MC to give a bit more of this context, so that those who don’t have the time / ability to read through the background document, MC website, Commentary, etc. understand the main idea of what the MC is and how it should be used. [LatAm RT]
- Half of all participants expressed concern in relation to the media engaging child survivors. These participants recommended that the DMC be amended to exclude [prevent/stop?] media documentation of CRSV against, involving, or affecting children. One participant however did not share the same concern, noting that the media has a role in documentation and can be useful when journalists undertake interviews. An example was cited in relation to a case in Nigeria which resulted in litigation against perpetrators.

Consultant recommendation: *If the DMC is to apply to journalists as documenters, additional provisions and safeguard would need to be included in light of the challenges noted above. Such provisions should clearly address ways in which the media can better protect the privacy and identity of children in the course of its work.* [Child Rights RT]

Institutions as actors in the MC

- The stigma and shame that generally falls on survivors is also part of a broader institutional problem about changing behaviours and mentalities in current society. Participants indicated that survivors of sexual and gender-based violence should not feel ashamed, but rather it is the perpetrators who should bear that burden. According to the participants, the Murad Code should emphasize more on this aspect to promote an institutional change to empower victims and eliminate feelings of shame or guilt. [Survivors as Documenters RT]
- There is a need to recognise that documentation is not a job for one individual alone and that the DMC would benefit from emphasising that it is a commitment from an entire institution, and over time. [Child RT]

Does/should the MC apply to just interviewing, or all types of documentation?

- A few consultees brought up the fact that although the MC states that it applies to “documentation”, they felt that the MC defines documentation largely only as interviewing, and fails to recognize and address that documentation can take place through other methods (e.g. drawing on the information in survivor interviews that have already been conducted by other documenters; using publicly available information, or military/government records, witness or informant testimonies, etc.).
- Beyond Basic Principle 7 that explicitly focuses on interviewing only, they also felt that many other parts of the MC focus on interviewing only (e.g. all the points in paragraph 7 of the background paper; MC points 2.1, 2.5, 2.6, 5.6, 5.7 and 6.4), and that the MC does not include any guidelines explaining if/how the Basic Principles apply to other forms of documentation.
- These consultees debated whether the principles of the MC (including follow-up and informed consent, and supporting / respecting survivors priorities regarding how their story is used) should apply when sexual violence is not documented through a direct interview with the survivor

Consultant’s note: *I had also had a similar reflection when I read point 5.7, where the reader is encouraged to engage in documentation methods beyond interviewing, but there is no guidance of if/how the Basic Principles of the MC (such as informed consent, follow-up, respecting a survivor’s priorities, etc.) apply if a documenter uses existing records / information already gathered by other documenters.*

- The consultees who discussed this point did not have definitive recommendations about how to resolve it, however they did all agree that the MC should either
 - include a brief explanation of if/how the basic principles apply to all situations when a documenter may use information about a survivor’s experience (beyond for their own care and recovery), regardless of how the info was obtained; or
 - clearly state that the MC principles and guidance apply to “interviewing” (as opposed to using the term “documenting”). [LatAm RT]
- Participants also highlighted the importance of encompassing non-written CRSV documentation in the Murad Code. This refers to other forms of documentation (such as pictures, body maps, songs, films, other art expressions, etc.) that also help to memorialize traumatic situations in communities throughout different generations. [Survivors as Documenters RT]
- Participants seemed to only raise issues in relation to the use of digital recording when it comes to members of the media who interact with child survivors. Two participants noted the importance of videotaping interviews with children, which has increased the probative value and preserves accounts of children. An example was provided in relation to the situation in Cox’s Bazar which has resulted in people fleeing to remote islands and subsequent challenges in tracing and identifying victims following the passage of time. One participant emphasised the importance of video recording: *“You deny the opportunity for children where you don’t – because you don’t collect it in a way it can be used in the future.”* One participant with a legal background noted that recording interviews would allow, for example, the video of the child to be played in future instead of requiring the child to testify before a judicial body.

- Preserving the evidence of the child in this manner would, according to two participants, benefit the child by mitigating the risk of re-interviewing or needing to testify in a court (and thus preventing re-traumatisation and the risk of being deemed incredible). One participant noted that while there may be dangers with taking digital recordings out of the setting, this can be alleviated through internet connection. Another example was provided whereby children were asked to record their own statements and send this. Research in relation to this topic could be reviewed when developing the Commentary.

Consultant recommendation: *There is a need to explicitly address the issue of use of photography, video and audio recordings in the DMC. These matters could be addressed in relation to consent as well as in Principle 6.6: Confidentiality Protections. This may also be addressed in relation to Principle 8 concerning Integrity and Responsibility.* [Child Rights RT][Child Rights RT]

[Noting the security and risk assessments needed, the heightened dangers of recorded material from a security point of view, and that ineffective or unsafe interviews which were recorded could be even more harmful to survivors and their rights.]

Could/should the MC apply to all engagement with survivors (not just documentation/ interviews)?

- A question that came up, directly and indirectly, in all three roundtables was whether the MC could/should be a tool for not just documenters but for all people / practitioners who engage with survivors (including service providers, lawyers, judges, etc.).
- In every roundtable, consultees underlined the importance of a multidisciplinary approach to responding to CRSV, especially if we aim to respect and support the needs and rights of survivors (which is recognized in the MC, notably in points 4.5 and 4.6). Several consultees noted that documentation is only one part of this multidisciplinary work, and argued that in order for our call for a survivor-centered approach to be effective, all interlocuters who engage with survivors should respect the principles of the MC.
- This was especially underlined by consultees who are themselves survivors, and echoed by consultees from diverse professional backgrounds (lawyer, human rights defender, psychologist, academic), who all agreed that their work would be improved if all their colleagues applied the principles of the MC.
- A few consultees gave examples of cases where the initial documentation was done respecting survivor's rights and core standards, but that survivors were revictimized by other officials who they encountered when trying to use this documentation to claim their rights. Main examples included:
 1. In Peru, Guatemala, and Bolivia – where cases of sexual violence went to court – lawyers, judges and trial reporters violated many of the principles found in the MC, revictimizing survivors.
 2. In Guatemala, government adjudicators who were mandated to distribute reparations to survivors based on existing documentation, failed to respect survivor's rights to dignity and privacy, and ended up retraumatizing and putting survivors in danger through their work.
- Two consultees noted that for example, the Mandela Rules and the Bangkok Rules apply to all people engaging with prisoners regardless of the interlocuter's profession, but that we lack something similar when engaging with survivors of sexual violence. They noted that the MC could be an instrument with a very important positive impact if it could be adopted and applied to the treatment of survivors of sexual violence by diverse practitioners (not just documenters), in the same way as the Mandela Rules are applied to the treatment of prisoners by diverse practitioners. [Lat Am RT]

3.1.6 Language and tone of the text:

Tone

Almost every consultee shared the opinion that in some places the tone or the terms used in the MC seemed to have an outsider or top-down perspective, and some parts of the text even leaned towards an almost patronizing attitude towards survivors. The consultants who were able to identify what elements of the text gave them this feeling noted **three main areas of concern and suggestions to make the tone more survivor-centered**:

- **Give more agency to survivors:** Consultees noted that the documenter is often presented as the main agent of power and authority to make decisions. Even though the MC mentions the importance of respecting a survivor’s priorities and of informed consent, consultees felt that in many places the text places decision-making power almost solely in the hands of the documenter, and there is a need to better recognize the autonomy and agency of survivors. Some examples of this perspective in the text include:
 - In point 1.4: Informed Consent the documenter is said to “provide” the survivor with information, and “allow” them to make their own choices. Consultees mentioned that informed consent is an ongoing two-way process, where the documenter and survivor share information with one another, and where the survivor is supported to be in the “driver seat” to make decisions about the documenting process throughout. This is somewhat acknowledged in point 4.7, where we state that the documenter will “facilitate review of informed consent if and when necessary”, but again this seems to place the discretion and agency on the documenter to determine when such a review is necessary.
 - In point 1.3: Prioritising Survivors, the term “best interests” can sound patronizing, as the principle of best interest is very often used in contexts where a rights holder has reduced capacity to make their own informed decisions.
 - **Consultant’s note:** *Perhaps this edit to the end of point 1.3 can help address this concern: “... will be guided at all times by the survivor’s [requests/wishes/priorities] regarding their safety...”*
 - In points 4.2: Risk Assessment and Mitigation and 5.4: Added Value Consideration, the documenter is presented as the person with the agency and authority to make decisions on appropriate risks and added value, when a survivor’s point of view on these elements would be most important. At the least the documenter should be encouraged to consult a survivor when possible and follow their informed wishes regarding risks and added value.
- **Frame engagements with survivors as a dialogue, to avoid the extractive image of “interviews”:** In every roundtable, consultees underscored that much of what is wrong with CRSV documentation in Latin America is the extractive approach that documenters take towards survivors, often treating them as “sources of information” and little else. Many consultees felt that the MC’s focus on interviews could be seen as aligned with this extractive approach, since the term “interview” often implies a one-way sharing of information. Consultees suggested that the work of documentation should be seen as “conversations”, “exchanges”, or “dialogue”, where the survivor also has an influence on the documenter and what they will do with the information collected.
- **Recognize the strength and achievements of survivors:** Several consultees suggested reviewing the MC to ensure that when we speak of survivors, we take into account the need to support and protect and defend those who are vulnerable, but we also take into account and acknowledge the strength and achievements of survivors.
 - Consultees noted that many survivors across Latin America are sometimes better informed than documenters regarding their rights; have led / are leading their own fights for rights, truth and justice; and even when they are not well-informed and are vulnerable to abuses of

power, they still deserve recognition and respect for doing the difficult emotional labour of facing the consequences of the crimes they endured.

- The importance of treating survivors with dignity and respect is acknowledged in the MC, but only under Principle 7, which is a section that seems to only apply to interviews. Consultees felt this was such a central element that it should be moved to Principle 1 or 8, which seem to address how survivors should be seen and treated more broadly than just during an interview.
- Some consultees also felt that in addition to respect and empathy, documenters should also treat survivors who share their stories with a sense of gratitude/appreciation, since the work of documenters would be nearly impossible without the willingness of survivors to share their stories and all the emotional labour they must take on. [LatAm RT]

Amount of information

- Most (6) participants felt that the DMC contained too much information, but at the same time lacked information in certain areas. No concrete recommendations were however provided as to how to address this issue (e.g. “Even the eight boxes are too much information.”) *“We have a bit of a problem here. There is not enough in-depth information to be a guide for individuals who don’t have experience. But maybe too in depth at the same time to be useful as a checklist reminder.”* [Child Rights RT]

Definitions and legal framework

- Two consultees (lawyers) mentioned that because many documenters may not take the time to read the Background Paper or the MC website to confirm whether or not the MC applies to the/their work, they suggested adding a short preamble, just before the 8 Basic Principles, to clarify the definitions and legal framework for the MC, including:
 - in which situations / contexts to apply to MC
 - that the MC is based on / compatible with existing international protocols, guidelines, and legal frameworks on the rights of victims/survivors
 - the definition of survivor/victim and sexual violence
- Although the MC already has a short introductory paragraph and footnote on its working definition of CRSV, the consultees felt that these elements were perhaps too verbose and that the MC would benefit from a more practical and concrete introduction. [LatAm RT]
- Three participants felt that the language is cumbersome and therefore training would be needed to unpack the terminology. One participant recommended that the DMC be accompanied by a glossary. One participant disagreed, noting that if the document is longer it will diminish its utility as an easy-to-use resource.
- Two participants who are not from a legal background felt that the document was geared towards judicial proceedings and lawyers. One participant stated, “the focus on investigation is a problem – thinking that interviewing is only for that purpose or the start and finish line and that is the standard.” Another participant questioned whether *“it is possible to think about incorporating children in work in a way of seeing investigative interviews as the best and only entry point.”* [Child Rights RT]

Survivors’ Charter/ Carta de sobrevivientes

- Overall, consultees did not like the term “Carta de sobrevivientes”, stating that either it felt confusing (due to the dual meaning of “carta” in Spanish), too legalistic (when interpreted as “charter”) or too soft/informal (when interpreted as “letter”).

Consultant’s note: *The word “Carta” has two meanings in Spanish: either “Charter” (as in the UN Charter), or “Letter” (as in a personal correspondence).*

- There was no general consensus on what term to use instead of “Carta”. Some suggestions from consultees for alternative terms include:

- “Pautas de sobrevivientes”, which translates roughly to “survivors’ standards” or “survivors’ rules”. There was no positive or negative reaction from other consultees to this suggestion.
- “Una Perspectiva de Sobrevivientes” (A Survivors’ Perspective), notably because this document is written by only some survivors, and may not be representative of the experience of all survivors from different cultural backgrounds / lived experiences.
- “Declaración de sobrevivientes” (Survivors’ Declaration), which echoes the approach used in the [Hague Principles on Sexual Violence](#). This suggestion was supported by the 3 other consultees in the roundtable when it was suggested.

Other terminology and language

- Participants noted how **SOGIESC terminology is used sparingly and inconsistently**. There is also a dearth of reference to intersex, non-binary and gender non-conforming, persons and not specific mention of various sexual orientations or gender identities. Specifically, section 3.2 uses the term “sexuality”, presumably as a synonym for the term “sexual orientation” that is used only in 1.1. “Gender” is only used in 2.6 and 3.2 (apart from “gender identity” in 1.1, “gender-attuned” in 4.5, “gender...awareness” in 6.1, “gender...appropriate in 7.5, and “gender-based violence” several times). Gender expression and sex characteristics are completely missing. “Family situation” is only used in 1.1.
- Almost all participants suggested making more and consistent references to SOGIESC, explicitly mentioning LGBTIQ+, non-binary and gender non-conforming identities. One participant made a specific suggestion to add sex, gender, sexual orientation, gender identity, gender expression, sex characteristics, and family situation in 1.1 on individualized approach, in 1.10 on non-discrimination, in 3.2 on cultural understanding, and in 6.1 on skills and ideally also in 4.5 and 7.5. One participant also suggested the code mention the vulnerability of activists or human rights defenders working for gender and/or LGBTIQ+ persons as well as consider mentioning family members of LGBTIQ+ communities including parents and children.
- Consider using SOGIE and LGBTIQ explicitly and more consistently, including referencing intersex, non-binary and gender non-conforming, persons as well as various sexual orientations or gender identities.
- Consider adding sex, gender, sexual orientation, gender identity, gender expression, sex characteristics, and family situation including but not limited to: 1.0, 1.1, 3.2, 4.5, 6.1 and 7.5.
- Include explicit references to non-binary, intersex and gender non-conforming people as well as people with disabilities and other intersectional identities more consistently. [LGBTIQ Rights RT]
- **Best interest / Interés Superior:** In the Background Paper (paras 4.e and 6.b) and in points 1.2 and 1.3 of the MC, “best interest” was translated to “mejor interés”, which seems to be an inaccurate translation. In order to be aligned with the term used in UN human rights instruments (e.g. on the rights of the child), numerous consultees noted that it should read “interés superior”. [LatAm RT]
- All participants agreed on the need to reflect the **best interests of the child** as set out in Article 3 [UNCRC]. Five participants noted the need to harmonise language with this principle. It is noted that the precise phrase is the “best interests of the child,” not of “children,” which participants felt are different concepts. One participant disagreed and noted that “we cannot always be guided at all times by best interests” which is “a primary consideration”, among others. In addition, references currently in the the DMC should be amended to read “the best interests of the child”, as follows:
 - Background document: Paragraph 6(b): “mistakenly, but with good intentions, emphasise the numbers of interviewed survivors or need to acquire testimony quickly over the need to comply with ethical, safe and effective practices which respect survivors’ rights and interests, including the rights and best interests of children the child”;

- Principle 1.2: “Heightened Vulnerabilities: We will take additional, specific precautions for the best interests of children the child (attuned to age and development) and for others who may face heightened vulnerabilities to further harm.” [Child Rights RT]
 - **Revictimization:** At least half of the consultees noted their surprise that the text of the MC does not use the term “revictimization”. “Revictimización” in Spanish is a term that is used very often in Latin America in the context of human rights violations and crimes. Consultees felt that using this term would bring the MC more in line with frameworks used across Latin America.
- Consultant’s note:** *If you choose not to use revictimization in the English version of the MC, I support the consultees’ suggestion to consider using this term in the Spanish version, for the reasons stated above, and also because it may facilitate being more comprehensive in Spanish, since the concept of “revictimización” in Latin America embodies re-traumatization, placing the victim at risk of further harm, and the further violation of a victim’s rights.*
- **Safeguards:** One consultee noted that this term is only used in point 8.7 with regards to protecting the documenter, but not anywhere else in the MC when speaking of protection for survivors. “Salvaguardias” (Safeguards) is also commonly used term in the region with those who work on the respect and protection of victims’ rights, and the consultee felt that not using this term in the MC was also a gap. [LatAm RT]
 - **Do No Harm v promotion of wellbeing:** One participant indicated that the DMC runs the risk of overpromising safety, especially in situations which are extremely difficult and requires critical judgment. Participants believe that we cannot prevent harm and how do we address ethics and promote well-being for the creation of healthier and safer environments. Two participants recommended that the Code should steer away from only using language on the prevention of harm and include the promotion of well-being. [Child Rights RT]

“victims” vs. “survivors”:

- In one roundtable there was a short debate on whether the MC should use the term “survivor” or “victim”.
- One consultee (a lawyer) favoured using “victim” instead to keep in line with the Rome Statue and other legal frameworks. He recognized the rationale for using “survivor” in order not to use the often stigmatizing and disempowering term of “victim”, but questioned whether the use of the term “survivor” in the MC would spark debates on legal interpretation that would take away from the objectives of the MC.
- Another consultee (a psychologist) favoured using “survivor” due to its empowering nature, but recognized the use of “victim” in many international instruments is not interpreted as derogatory and “passive”, and accepted that perhaps the MC should use “victim” to ensure it is more aligned with commonly-used terminology in existing international instruments, in the hopes that this may facilitate the MC’s adoption / integration into the library of internationally recognized instruments.
- All consultees involved in the discussion recognized the pros/cons of either term, and the consensus was that whichever term the MC uses, it should include a short footnote to explain the definition of the term used and underscore the MC’s compatibility with international legal instruments and respect for how survivors/victims which to refer to themselves. [Lat Am RT]
- Roundtable participants also discussed the specific terminology of the Murad Code, mainly whether the document should refer to “survivors” and/or “victims.” An academic with experience in Colombia indicated the importance of including the term “victim” because this expression locally refers to State recognition of damages related to the Colombian armed conflict and is also linked to administrative reparation processes. In particular, it was mentioned that the draft Murad Code should reflect the terms that victims/survivors use themselves to refer to their situation. On the contrary, a person expressed that in her context, the term used is “survivor” because “victim” emphasizes the person’s vulnerability, increasing the stigma. As the expressions used will have

different connotations depending on the local context, it was suggested to include a reference in the text addressing this point and even including both concepts “survivor/victim” to adequately reflect the wide range of situations. [Survivors as Documenters RT]

- One participant noted that they would prefer the use of “I” instead of “we” in relation to each principle. [Child Rights RT]

3.1.7 Gender

- One participant stated that there is a need to further emphasise gender in the Code. It was recommended that “Conflict-related sexual and gender-based violence” should be included in the title. [Child Rights RT]

3.1.8 Rights of the accused

- One of the consultees (a lawyer), noted that nowhere in the MC is there a mention of the rights of alleged perpetrators, and he wondered whether this opened the door for the MC to be criticized for not being impartial and/or facilitating the condemnation of the accused without due process. He suggested considering adding a mention that the MC supports the rights of all and the right to due process, perhaps in a footnote or in the commentary? He mentioned this with the view of protecting the MC from criticism for not being impartial.
- A couple of other consultees disagreed that this should be addressed in the MC, given that this is meant to be a victim/survivor-centered instrument, and that considerations of due process and legal rights of all other persons (including alleged perpetrators) can be (and are) addressed elsewhere in other instruments, legislation, etc. [LatAm RT]

3.1.9 Citing examples vs. exhaustive lists:

- There was a debate in 2 of the roundtables regarding how exhaustive we should be when listing identity markers / characteristics (e.g. in 1.1, 1.10, and 3.2). This was sparked when some consultees noted that certain identity markers were not included in parts of the MC text:
 - For example, some consultees noted that “social status” or “(dis)ability” were not mentioned in point 1.1 or 1.2 despite these being key factors linked to heightened vulnerability. Others noted that “gender”, “political affiliation” and “religion” were not explicitly mentioned in point 1.10, which was a concern for them because these are key areas of discrimination for survivors of sexual violence in Latin America. Two others also felt that the MC should add “migratory status” to the list of characteristics that require special attention, since survivors who are refugees/asylum seekers/migrants often face increased risks.
 - Given the multiple perspectives on which characteristics should/should not be included, most consultees felt it was better not to try to be exhaustive when listing characteristics for fear of accidentally omitting something. However, some consultees did think it was important to include examples when especially relevant (such as those noted in point (a) above).
 - There was no consensus on which characteristics to include or not, but there was a general consensus that when specific characteristics are listed, we should always include a caveat such as “including but not limited to”. [LatAm RT]

3.1.10 Bibliography and resources

- Consider adding the World Health Organization guidelines on interviewing sexual violence victims as a resource under Annex B.
- Consider adding the Yogyakarta +10 principles to the list of resources under Annex B.
- Consider attaching a list of acronyms and definitions as an Annex so that these are readily available for interviewers.

- Consider adding the manual called: Gendering Documentation: a manual for and about women’s human rights defenders.
- Consider adding the Identifying Gender Persecution in Conflicts and Atrocities Toolkit. [LGBTIQ Rights RT]
- It was indicated that investigation standards and legal precedents established by national and international jurisprudence are an important resource, especially considering their authoritative value. Different cases were mentioned in this regard that could be included:
 - Judgments of the Inter-American Court of Human Rights: López Soto y otros vs. Venezuela; Bedoya Lima y Otra vs. Colombia; Rosendo Cantú y otra vs. México; González y otras (“Campo Algodonero”) vs. México; etc.
 - National jurisdiction: Judgment on CRSV committed at the Higher School of Mechanics of the Navy in Argentina and other relevant precedents on the issue. [Survivors as Documenters RT]

3.1.11 Obstacles to the successful implementation of the MC

Absence of rule of law

- In countries where there is a near total absence of rule of law (such as Venezuela), this can and does pose a tremendous obstacle to the full implementation of the MC, among other reasons because we cannot ensure that the rights of survivors (and their desire to seek judicial redress) will be respected, despite our best efforts.
- Several consultees questions how to bridge such a civil society initiative like the MC, with State policies and legislation that don’t support victim’s rights? They did not have any concrete answers to this, but felt that it was important to consider. [LatAm]

Ongoing violations and security risks

- Indigenous consultees indicated that an important obstacle to proper documentation (and the realization of justice, reparations, truth, and other rights that can be supported by documentation) is the fact that many survivors continue to be victims of violations (including sexual violence, but also larger structural violations such as discrimination). This leads to many factors that could impede the full implementation of the MC, including increased risk of revictimization/retaliation because survivors are already enduring violations, or survivors feeling unsure about dedicating energy/time to documenting a past crime when they have pressing concerns regarding ongoing crimes.
- Similar concerns were echoed by a many consultees regarding the risks faced by survivors who a) live in the same community as their aggressors, and b) don’t have the confidence that the justice system will protect them
 - They cited examples of places where ex-combatants have been integrated into the same communities where they committed violations
 - Also cited many examples of justice systems freeing aggressors (in the rare cases when cases have even gone to court) and survivors being at risk of retaliation. [LatAm]

Stigma

- Two consultees who have worked very closely with CRSV survivors from rural and indigenous communities noted that in many communities (particularly rural, deeply religious, and indigenous communities), the stigma and shame around sexual violence continue to place barriers to documentation, because even when survivors may wish to share their experiences and seek redress, the stigma and taboo around such crimes results in
 - a lack of available/accessible information about if/how they can report sexual violence;

- a high risk of repercussions/retaliation from their communities if they do share their testimony; and/or
- some survivors not knowing how to talk about such experiences (consultees explained that survivors sometimes lack the vocabulary to express their experience in a way that would be understood, or feel that they “shouldn’t” share certain aspects of the experience even though they would want to because it is not socially appropriate to do so). [LatAm RT]

Lack of resources

- Several consultees noted that across Latin America there are documenters that will not be able to tick all the boxes and respect every commitment of the MC to the letter, notably due to lack of resources, and expressed a concern that the MC may therefore really be geared towards large institutions with the systems and resources and structures to allow them to ensure that they can apply all the Principles of the MC.
- Consultees noted that some smaller (and often under resourced) organization/documenters (such as community-based survivor groups) lack training and resources, but may be the only ones in a position to document certain survivors’ stories (e.g. because they are the only ones with access to these survivors at a given time, or that they are the only ones that have the trust of survivors from a given community). Consultees unanimously felt that these documenters are doing important work and would not want the MC to be seen as a tool for large well-funded groups to dissuade such less-resourced documenters from doing this work.
- One consultee expressed further concern that if donors adopt the MC and insist on organisations being able to respect all the principles before providing funding for documentation, this would launch a cycle where such already under resourced groups are further denied funding.
- These concerns were brought up in different ways in every roundtable. There was a general consensus that if possible, the MC should be focused on principles and norms that anyone can implement, and if it claims to outline core standards, take into account the resource-demands of these and really limit the concept of core standards to the non-negotiable points (and clearly note the other guidance as “whenever possible”).

Consultant’s note: *This concern for not paralyzing smaller organizations and under-resourced documenters perhaps may stem from the fact that in Latin America there are large numbers of cases of CRSV and other human rights violations and crimes that went undocumented for decades, and that much of the work of documenting and fighting for victims’ rights was and is done by local community-based groups. In most countries there is a general sentiment among local NGOs that large international organizations come in with protocols and rules and a lack of contextual knowledge, and it is the smaller community-based groups that are best placed to serve the large number of overlooked and underserved survivors across the region.* [LatAm RT]

3.1.12 What Is needed to help promote the code and ensure its implementation

Appropriate and varied translation

- Several consultees noted the importance of translating the MC and accompanying tools (at least the Survivors Guide?) into other languages, including indigenous languages, using appropriate and understandable terminology, especially for information-poor, linguistically isolated communities. [LatAm RT]

Diverse dissemination and promotion

- Consultees encourage there to be efforts to promote / disseminate the MC in different communities, through platforms and media that are relevant for these communities, so that it reaches smaller NGOs, bloggers, journalists, university students, celebrities, and others who may

engage with survivors but who are not in the ICL/human rights circles where such instruments are usually published and circulated.

- One consultee also mentioned the importance of promoting the understanding of the MC, and of its underlying principles, in academic circles. She noted that in many universities in Latin America (including the two universities where she studied), sexual violence is still a taboo topic only addressed in the rare courses on gender/women's studies, but that it is not openly and constructively discussed in law classes for example. [LatAm RT]

Support tools and resources

Consultant's note: *I echo the concern brought up by many consultees regarding the fact that many well-meaning documenters in the region lack access to resources and formal training. One thought about how to address this would be for the MC webpage to list useful tools, free trainings, and complementary resources that would help people gain the understanding and skills needed to better respect the MC. For example, online trainings on interview skills, guidelines on safe data storage, or an easy-to-navigate summary of the basic rights of victims under international law.* [LatAm RT]

- It was stressed that researchers and academics have little training on issues addressed in the draft Murad Code. Therefore, it was suggested to include a strategy with academic institutions to promote activities related to its core principles and commitments.
- Roundtable participants identified that, in general, States have broad rules or programs to address sexual and gender-based violence. For this reason, the Murad Code could be implemented through those legal frameworks, adapting its core principles and commitments to the different local contexts.
- It was emphasized that in some regions, such as Latin America, there is an ongoing trend of new legal frameworks adopted after aberrant acts of gender-based violence. In general, those norms introduce obligations for national authorities that can be related to investigation standards, training for public officers, treatment of survivors, etc. This could also be another implementation entry point to promote institutional changes on sexual and gender-based violence.
- It was also mentioned that although survivors can be very committed to helping other survivors, there are essential barriers derived from the lack of knowledge or education. This obstacle could be overcome through the promotion of capacity building activities (i.e., workshops, videos, training, role play, etc.). [Survivors as Documenters RT]

3.1.13 Translations

Participants mentioned several issues related to translation. This suggests there is value in simplifying the DMC's English version, to avoid using complicated language, jargon or concepts, and instead to use very simple and clear language to allow the Murad Code to be widely understood in English, and then more easily translated to other languages. [ME RT]

Gendered Languages and Translations

Arabic is a **gendered language**, and as a female participant pointed out, the translation of the DMC is gender biased as it uses the masculine version of the term "survivor" throughout the document. This is problematic she pointed out, because women in Arab societies are already confronting patriarchy and paternalism at a deep level. Because the gendered pronoun is accompanied by gendered verbs and adjectives, in this case masculine, the document appears to focus exclusively on male survivors. In Arabic, the masculine gender can also be used to include mixed gendered groups, but they recommended there must be an effort to incorporate the feminine version of survivor into the DMC. According to the interpreters, the feminine plural of survivor is *al-najyat* (الناجيات).

"When you read female survivors – women will see this is for them."

These recommendations are from participants as well as the interpreters and suggest a way forward that does not involve a complete re-write of the translated version.

- Use both masculine and feminine versions of “survivors” in headings.
- Maintain the masculine version throughout most of the document to apply to mixed gender groups.
- Identify parts of the DMC where it is important to specifically include the feminine version of survivors. This may not be necessary, but it was flagged as an option.

Though the DMC warrants a full review for accurate interpretation, participants specifically drew attention to the provisions that they found incorrect or confusing – and are included in the Principle/Commitment specific comments below. [ME RT]

3.2 Recommendations from roundtable by principle and commitment

3.2.1 Principle 1: Survivors as Individuals

Translation

- This was flagged as translating to “Individual Survivors First.” in Arabic. [ME RT]
- A few consultees noted that they didn’t like the sound of the Spanish translation of this principle, “Primero, la/el sobreviviente” (roughly translated: “First, the survivor”), partially because in Spanish it sounds more like we are making a “shopping list” as opposed to stating the importance of the survivor.
 - They suggested instead using a phrase that echoes the idea of putting survivors at the center, or the heart, or even at the head, of our documentation.

Consultant’s note: *some possible phrasing ideas based on the general suggestion of the consultees:*

- “Sobrevivientes en el centro” (“Survivors at the heart/centre”)
- “La centralidad de la/el sobreviviente” (“Centrality of the Survivor”)

Consultant’s note: *Given the comments noted above regarding the need to allow for collective identities within our understanding of survivor’s priorities, perhaps we should consider also revising the English version of this title to echo the centrality of the survivor, as opposed to an “individualized” (but potentially not “contextualized”) approach?* [LatAm RT]

- Participants agreed that the core principle 1 (survivors as individuals) of the draft Murad Code is of utmost importance, and it is the one that informs the rest of the core principles. In this context, it was mentioned that the empowerment of survivors does not seem to be adequately addressed in core principle 1. [Survivors as Documenters RT]

3.2.1.1 Individualized Approach:

Intersectionality

- Several participants flagged the necessity for interviewers to consider multiple or vulnerable identities that a victim may hold. To this end, interviewers not only need to be aware of and look for how multiple forms of discrimination or vulnerable identities may affect or compound an interview, but also stay particularly aware that victims may need space to discuss traumas that they have experienced other than the specific experience the interviewer may be investigating. Not making appropriate space for victims to share their other harm (and then showing appropriate empathy for them) could be retraumatizing to victims.
- GBV affects different people differently and those effects can be exacerbated by race, ethnicity, culture, gender and caste. For example, someone from a higher caste is more likely to receive

more attention for her SV case than someone in a lower caste. Also issues of sexual exploitation of women in lower castes is also an important factor that needs to be taken into consideration.

- Consider changing particularities to intersectionalities or another word that better captures the vulnerabilities or intersections of marginalization or discrimination that sexual violence victims may experience.
- Consider adding “sex characteristics/intersex status” [LGBTIQ Rights RT]
- All participants want a direct reference to disability.
- Four suggested that the need for self-identification needs to be included.
- The term ‘particularities’ isn’t familiar to any participant and they suggest ‘identities’ instead.
- All participants suggested recognising intersectional identities here would be good.
- One person suggested using the term ‘Deaf and disabled’ as many Deaf people consider themselves a linguistic minority and not as disabled.
- One participant recommended that where demographic data is being collected, the Washington Group set of questions on disability be utilised. (<https://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-wg-ss/>).

Consultant’s Note: *The Washington Group set questions have a medical focus and the majority of participants advocated for a social model approach for the code.*

- One person’s recommended wording: “recognizing their diverse capabilities abilities, challenges, and vulnerabilities based on who they are in the place they are. We recognize that understanding their particularities (including age, disability, gender identity, sexual orientation and sex characteristics, religion, nationality, ethnicity, family situation, education, migration status) and the often multiple and intersecting discrimination survivors face is a foundation for safer and more effective engagement. [Disability Rights RT]
- One participant recommended in relation to Principle 1.1 (Individualised Approach) a reference to making developmental assessments in the case of children to assess their possibility, capacity, desire, etc. to participate actively in the process. One of the participants noted a relevant forthcoming draft report authored by Justice Rapid Response in relation to children which should be reviewed for incorporation into the draft Code. [Child Rights RT]

Collective harms and impacts

- Acknowledge the role of family members who are indirectly impacted by a survivor’s trauma and who may also provide support, particularly in communal societies that are very different culturally from individualistic societies.

Suggested Revision for 1.1 Individualised Approach: We will treat survivors as unique individuals. We also recognize the position of survivors within extended communal networks, and that families are affected by survivors’ trauma and may need support and provide support. We will tailor our approach to an individual survivor’s rights, needs, wishes and risks, recognising their diverse abilities, challenges and vulnerabilities based on who they are in the place they are. We recognise that understanding their particularities (including age, gender identity, sexual orientation, religion, nationality, ethnicity, family situation) is a foundation for safer and more effective engagement. [ME RT]

3.2.1.2 Heightened Vulnerabilities

- The Arabic translation is awkward does not convey the meaning, which is clear in English. [ME RT]
- Consider mentioning the vulnerability status of activists or human rights defenders working for gender and/or LGBTIQ+ persons as well as family members of LGBTIQ+ communities including parents and children. [LGBTIQ Rights RT]

- Participants agreed on the need to emphasise that children are particularly vulnerable and their right to be protected from violence and special needs in this regard are recognised by international law. [Child Rights RT]
- A discussion ensued in the first roundtable in relation to identifying children as facing heightened vulnerabilities in Principle 1.2. Reference to children and “others who may face heightened vulnerabilities to further harm,” was noted to be too broad. Two participants suggested removing children from the concept of heightened vulnerability altogether. All eight participants felt that it would be preferable to acknowledge that all individuals, including children, possess capacities as well as vulnerabilities. [Child Rights RT]
- Six people requested to Use term ‘high risk’ rather than vulnerabilities, this is used by international human rights law for emergency situations. Two people indicated that while they don’t like ‘vulnerable’ it can be useful in recognising the extent of harm, for example having longer prison sentences for crimes against disabled people. Two suggested ‘at risk’ is used instead. One person said ‘vulnerable’ needs careful approach, disabled people are not vulnerable because of their disability but because of the context. Disabled people are much more visible in all settings to perpetrators of sexual violence. If someone is non-communicative, they aren’t questioned about their experience as surviving or being a victim of sexual violence. This does have an impact on disabled people feeling scared in settings that non-disabled people take for granted.
- One person’s recommended wording: ‘We will take additional, specific precautions for the best interests of children and other groups who may face heightened vulnerabilities to further harm because of the discrimination and exclusion they face, such as persons with disabilities, adolescent girls, displaced populations, indigenous and ethnic groups, LGBTIQ+ individuals or sex workers.’ [Disability Rights RT]

3.2.1.3 Prioritising Survivors:

- As noted in point 9.a.2 above, the inclusion of the term “best interests” here may be interpreted as patronizing, and perhaps could be rephrased. [LatAm RT]
- One suggested recognising that disabled people are invisible within certain settings, don’t think they will be believed and this prevents them coming forward to have their story recorded.
- The term ‘best interest’ is contentious in disability rights circles as it is used to deny autonomy of the person.
- All participants suggested it is preferable to use ‘self-determination/will and preference’.
- Researchers can’t assume disabled people don’t have their own thoughts and ideas and coping mechanisms about what they have experienced and how they want their experience to be reflected. Don’t always push for medical based therapies or supports because the researcher thinks that is what is needed, the disabled person will know what they need. [Disability Rights RT]

3.2.1.4 Informed Consent

- Participants found the Arabic language to be exaggerated, suggesting consent after fully being aware. They suggested using what is commonly referred to by CBOs, “Enlightened Consent” which in Arabic is the following: الموافقة المستنيرة [ME RT]
- Participants said this provision deserves more details as it is very important, and it should explain why it is important. As it is written it is very minimal, excluding the purpose and consequences if it is not applied.
- Participants noted that organizations such as CBOs should be careful to be aware that survivors might consent when they do not really want to, because they are reluctant or shy about refusing a request from someone who is helping them. They believed this should be explicit because many CBOs do not take this into consideration.
- The DMC should be explicit about the fact that survivors have the right to decline to participate in interviews or other forms of documentation, or to answer questions, and may change their minds during the process.

- Participants recommended that the informed consent provision should be more robust to include the different components of informed consent. These appear in other parts of the DMC, for example the right of a survivor to change her mind is found under Provision 1.5, but these area also key aspects of informed consent.

[Consultant's Note: *In my view, informed consent is so important that I would recommend elevating this provision to a principle. I understand that this far along this may not be possible, but there are different aspects to informed consent found throughout the DMC and pulling those together under a principle dedicated to this critical practice would both illustrate its importance for any documenter but would also help documenters to understand and commit to the key components of informed consent. For consent to be informed and meaningful it should be given by a person with capacity, which is also a construct relevant to children as well as those suffering from severe mental illness, which may arguably include individuals with severe post-traumatic stress disorder (PTSD) that is untreated, because it could limit the ability of a person to understand what she being asked to do and evaluate the risks and benefits. The DMC does address the different components of informed consent, including the need to have a full and frank conversation prior to documentation, and that documenters should give all relevant or material information about the purpose, process and survivors' rights to the survivor. Additionally, the consent process should be revisited to allow someone to change her or his mind during and after shooting. Informed consent is a conversation that involves an ongoing relationship, centring the safety, legal rights, rehabilitation, and integrity of the survivors. These components are found in the DMC in the following provisions and my suggestion is to consider integrating them as part of an informed consent principle: 1.5 Reducing Pressures, 2.3 Reducing Time Pressures, 4.2 Risk Assessment and Mitigation, 4.4 Actor Mapping and 4.5 Referral Pathway (in order to make mental health or medical referrals during or after documentation), 5.6 Information Sharing, 5.8 Inform Survivors of Duplication Risks, 7.3 Dignity and Respect, 7.4, Screening and 7.7. Safe Interview Structure.][ME RT]*

- In addition to the comments outlined in point 9.a.1 of this report regarding the general tone of this point that could be reviewed to underscore the agency of survivors, a few consultees noted that in order to ensure genuine informed consent, this point should also remind documenters that they need to communicate the following points (which are often overlooked):
 - what they plan to do with the information collected, and that the survivor has the right to accept or refuse how their information is used
 - information about who is mandating and financing this documentation (e.g. who is paying the salary of the documenters and will finance what will be done with the information afterwards). [LatAm]
- Sections 1.4 Informed Consent and 1.5 Reducing Pressures. Participants commented on the usefulness of sections 1.4 and 1.5 and the good use of language particularly around addressing power dynamics in interviews. Two participants suggested that this section could be elaborated on by adding a note on transparency pertaining to the subject matter of the interview before commencing an interview with a sexual violence survivor. Informed consent is not always adequate to reach a level of transparency required to address power imbalances between interviewer and interviewee. Articulating specifics about the purpose of the interview; about why one is doing the interview and making sure interviewees understand the intent and what the explicit benefits are to the victim for participating in the interview. This is because sometimes victims enter interviews with expectations of receiving help that they have not communicated to the interviewer. Thus, adding some clarity to the Murad Code on the importance of explaining these details in advance of an interview would be helpful.
- Consider adding a note on transparency pertaining to the subject matter of the interview before commencing the interview. [LGBTIQ Rights RT]

Legal capacity

- Legal capacity is the ability to have decisions legally respected. There are instances where it is not possible to ascertain a person's decision or where their decision making is restricted by law. The UNCRPD says that no-one shall be deprived of their legal capacity based on disability alone. (Article 12, UNCRPD. UN Committee on the Rights of Persons with Disabilities, General Comment 1). Disabled people should be supported to make decisions, rather than have their legal capacity removed. In relation to the MURAD code, it is important that researchers/data collectors do not exclude people automatically from participating because their national regime has deprived them of legal capacity. Researchers should put processes in place to support individuals to make a decision about participating in the data collection. This includes alerting them to any potential harms/outcomes, how these will be ameliorated or removed, allowing them to have a support person present during the interviews, having materials available in formats that they understand. [Disability Rights RT]
- Informed Consent: This is connected to legal capacity and providing support to enable someone to make a decision about participating in research and how their information is used. Look to the Inter Agency Standing Committee Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action, p26: 'All individuals have a right to make informed decisions on whether their personal data are collected and how their personal data are used. Those who collect personal data need to be able to explain how and for what purpose that data will be used and provide assurances with respect to its confidentiality. To enable persons with disabilities to give their informed consent, information on the use of their data may need to be provided in multiple formats. It may also be necessary to allocate more time for explanation and arriving at a decision. Some persons with disabilities may wish to ask a trusted person to support them in making an informed decision. Information and data should be protected. For example, avoid identifying individuals who might subsequently as a result be harassed, persecuted or killed.' (https://interagencystandingcommittee.org/system/files/2020-11/IASC%20Guidelines%20on%20the%20Inclusion%20of%20Persons%20with%20Disabilities%20in%20Humanitarian%20Action%2C%202019_0.pdf). [Disability Rights RT]
- Persons with intellectual disabilities/mental health/psychosocial disabilities need support in order to make decisions and this should be facilitated, not simply taking their choice but helping them make the choice is important for participation.
- Add in 'full, accessible, clear, understandable'...also suggested 'we will be responsive to the greatest extent and promote autonomous, accessible process to ensure informed consent'.
- Four participants highlighted that the informed consent must also be continuous.
- As there is lack of clarity about how to obtain informed consent four participants suggested that more detail be provided in the accompanying document. This would be prescriptive about seeking informed consent – developing materials in accessible formats, engaging support people where appropriate.
- To enable persons with disabilities to give their informed consent, information on the use of their data may need to be provided in multiple formats. It may also be necessary to allocate more time for explanation and arriving at a decision. Some persons with disabilities may wish to ask a trusted person to support them in making an informed decision.
- Paragraph needed in the separate document to explain how consent is restricted across countries. (suggested in Consultant's comments above.)
- Suggested additional wording from two participants: "will make reasonable accommodation for assisted decision-making, for instance including a person trusted by the survivor with disability to support them in making an informed decision. [Disability Rights RT]

Informed assent and child participation in decision-making

- A lengthy discussion ensued in both roundtables as well as in one-on-one consultations in relation to Principle 1.4 (Informed Consent). All participants agreed that the principle could be

strengthened by addressing issues of consent as they pertain to children. In particular, participants generally agreed that the DMC should acknowledge the concept of informed assent as it relates to children. Two participants felt that informed consent for children was an “overpromise”. In that way, the DMC would recognise that children may not be able to give informed consent and are therefore asked to assent, i.e. they agree to take part. In this regard, it could be clearly stated that children have the right also not to participate. The ICC Children’s Policy, for example, was noted not to promise informed consent; a matter which was discussed at length during that process. Participants also recognised the role of parent(s)/legal guardian(s) in making decisions on behalf of children. Accordingly it was also recommended that the issue of informed consent be addressed as it pertains to the agreement of parent(s)/legal guardian(s).

- On this matter, drew IICI’s attention to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.
 - In particular, page 256 provides: When dealing with a child, it is important to obtain informed consent from the parent or person with a duty of care (if required and appropriate) as well as consent/assent from the child herself or himself. Where a child has the legal capacity to consent to participate in the process, this consent is all that is required unless the child’s level of maturity and development would make ‘informed’ consent difficult. If the child is below the age of consent to participate, consent is required from the parent or adult with a duty of care and informed assent must be given by the child.
 - Generally, parents or guardians are responsible for giving consent, although older adolescents may be legally able to provide consent in lieu of their parents. For younger children who are by definition too young to give informed consent, but old enough to understand and agree to participate, the child’s ‘informed assent’ (expressed willingness to participate in the interview) is sought. In the absence of clear laws, the following general rules should apply (although maturity must also be taken into consideration):
 - Aged 16-18: informed consent given by the child and consent from the parent or adult with a duty of care sought only if deemed necessary in the circumstances
 - Aged 12-15: informed consent should be given by the parent or adult with a duty of care, unless it is not deemed appropriate in the circumstances, and informed assent by the child below age 12: informed consent should be given by the parent or adult with a duty of care and assent given by the child.
 - In all cases, the wishes of the child take priority and they should not be interviewed unless they agree to participate.
- Two participants emphasised the need to ensure the quality of assent/consent even where the child seems to appreciate the process, purpose, and information used. Participants in the first roundtable agreed that informed assent should involve the provision of child friendly information and versions of documents which clearly explain why we are interacting with children. It was noted that children often cannot identify long-term risks associated with sharing their accounts. One participant noted that from a child development perspective, it is very complex and not feasible to think of any age under 18 would be able to realise what their long-term impact of their decision to participate or not (this may also be the case for young persons up to the age of 25). Some participants in the first roundtable agreed that when it comes to children, organisations and documenters should take an additional step to identify risks so that risk could be informed.
- One participant emphasised that documenters should try to routinely obtain consent to share accountability mechanisms in order to reduce the risk of re-interviewing a child. However, another participant emphasised that it is difficult to obtain informed consent for mechanisms which are complex and most adults can barely understand.
- *“What does it mean that consent is informed and what does this entail when it comes to children? What does it mean to be continuous? At what point does the revocation of consent occur? We*

need to be honest about this process. There is a point where the train has left the station. What does this mean for children? Legal language is really tough for children so how do you get informed consent?" [Child Rights RT]

3.2.1.5 Reducing Pressures

- Pressure can be direct but also nuanced and participants discussed how documenters have to be careful about how to ask a survivor if she is comfortable being alone, for example not asking this question in the presence of other people. Survivors might feel pressured to allow a relative to accompany them, and if they refuse, they are often asked later about what she discussed and why she did not want the relative present.
- One participant disagreed with the word "reducing" and suggested that no pressure should be accepted.
- Take into consideration the patriarchal nature of Arab societies, a participant said documenters should analyse these pressures their sources. For example, there are many pressures that come from the family and society and other potential sources and understanding them will help documenters to eliminate or mitigate risk.

Suggested Revision for 1.5 Mitigate or Eliminate Pressures: "We will take positive steps to ~~counter~~ mitigate or if possible, eliminate factors that can pressure survivors to speak with us (such as the vulnerabilities they face, imbalances in status or power between us, and community influences). We will support and maximise their opportunities to make genuine choices, and to change their mind at any stage if they wish. We will ~~avoid~~ not create ~~ing~~ incentives or inducements for survivors, or those around them, to speak to us or others." [ME RT]

- Five participants highlighted that family members or service staff force disabled people into activities and situations which they do not consent to.
- Depending on the context and the will and preference of the individual, families can be a source of support but also can contribute to pressures around participating in interviews. The context is very important to ascertain. Sometimes money is given to families of children with learning disabilities to allow them to be abused or trafficked or for prostitution. [Disability Rights RT]
- One participant recommended placing emphasis on making sure that the survivor is clear of the organisation you represent and where the information is held. Participants noted that this is simply not happening in a number of contexts despite this being an obvious point. Another participant noted that you may want to have more than one interview with a child from an investigative point of view. It was suggested that creating that rapport with a child may also help with memory. [Child Rights RT]

3.2.1.6 Survivors' Priorities

- There was a general consensus about how important this point is, but several consultees noted that by singling out "justice" here, we are already demonstrating our own bias towards this topic. The consultees acknowledged that although a prosecutorial approach to justice is among the things that is most often promoted/pushed onto survivors in Latin America, negative outsider influence is also common with regards to many other possible rights-claiming options, including pressuring or dissuading survivors from seeking reparations. These consultees suggested editing this point to put the emphasis on the general approach of respecting all of a survivor's priorities (instead of starting with a focus only on "justice"). Suggestions from consultees regarding how to rephrase this point:
 - Placing the second sentence first, edited as follows: "We will respect a survivor's desires and decisions about which rights to pursue, and ensure we do not negatively impact the survivor's own priorities or their ability to advance or claim any of their rights."

- “We shall not negatively influence the priorities and desires of survivors, including on the rights that they wish to pursue and how they wish to pursue them, be it their right to justice, reparations, or any other right, in whichever way they define them.”
- “Our priorities and perspectives should not result in pressure or coercion in any way towards what the survivor would like to do with their testimony and regarding their rights.”

Consultant’s note: *Given these observations and those outlined in point 9.a of this report regarding the need to further acknowledge and underscore the agency of survivors, it might be helpful to combine points 1.3 and 1.6, putting the focus on respecting and supporting a survivor’s agency to define and pursue their own priorities and rights-claiming options.*

- A few consultees pointed out that they support the inclusion of the term “negatively impact” in this point, because they felt that documenters should not feel prohibited from having any influence at all on survivors’ decisions. They noted that the interaction between a documenter and a survivor can sometimes have a positive impact on the survivor’s decisions and ability to pursue their rights, where the documenter can provide objective information and allow survivors a space where they do not feel judged for wanting to pursue a certain right.
- They gave some examples of survivors who wanted to claim reparations but had been dissuaded from doing so due to social stigma, and when documenters/human rights groups provided them with a perspective that countered this stigma, survivors felt supported enough to pursue this right.

Consultant’s note: *Although I completely understand and agree with the fact that documenters can have a positive impact on a survivor’s ability to pursue their rights, I think that given the subjective nature of what is positive and negative (i.e. a documenter may consider that “strongly encouraging” a survivor to pursue prosecutorial justice is a positive thing and in the survivor’s best interest, when it may not be), we should ensure that the phrasing of this point focuses on providing information and a safe space. [LatAm RT]*

- Commitment 1.6 of the draft Murad Code raised the attention of participants during the roundtable. It was highlighted that the term “justice” used in the sentence gives the impression of prioritizing that aim over others. It was suggested to express other types of objectives of documentation processes and then include a reference on justice, but not to centralize the commitment around it. [Survivors as Documenters RT]
- It was recommended that it be recognised that children may not understand the purpose of their interview may be deterrence; a concept which is difficult to explain to a child. It was suggested that it is important to recognise that “justice may not be for the survivor before you but for those who come after.” It was further emphasised that we must ask ourselves as documenters what survivors need “right now”, and that, according to a number of participants, is care. It is recognised that the provision of care in some contexts may be a luxury. *“This conversation is going to be consistently hard if these interviews are going to happen outside the provision of care.” “There is a lot here that is excellent. But if we are committing in the Code to a survivor’s understanding of justice, are we also committing in the Code to follow through with that? The Code does not say that we are making that commitment. I would like to see something a little more honest about this tension.”* [Child Rights RT]
- One participant recommended consulting UN report on guidelines for Access to Justice for disabled people, <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/10/Access-to-Justice-EN.pdf>
- Consider how women’s oppression serves as a further barrier to disabled people engaging with research and pursuing justice. [Disability Rights RT]

3.2.1.7 Avoiding Compulsion

- One participant said this reads as fearful or horror and that it appears to have the opposite from the English meaning when it is translated into Arabic. [ME RT]

- An example from one participant and which links into referral pathways is that often disabled people are told that they are being taken to rehabilitation facilities and instead are detained in institutional settings against their will. [Disability Rights RT]

3.2.1.8 Conflict of Interest

- Participants did not understand this and struggled to think of how this would apply to their work. Include an example of a potential conflict of interest so it is clear to documenters using the DMC, how this provision might apply.

Suggested Revision for 1.8 Conflict of Interest: “We will take time to recognise, be honest and clear with ourselves and survivors when our objectives may conflict with their interests and rights. We will not proceed ~~where our~~ before discussing how our objectives are in conflict or do not fully align and obtaining informed consent from the survivor. One example is where a documentary filmmaker wants to make a successful film that wins awards, and one or more survivors participate to raise awareness and seek justice.” [ME RT]

- Within institutional disability settings there can be conflict/imbalance of power with staff and service user. [Disability Rights RT]

3.2.1.9 Ownership

- As MENA documenters working in the Middle East, the participants flagged there are risks to themselves as well as survivors. If a survivor’s story belongs to her alone, this could put documenters at risk if they are exposed. Documenters in the Middle East work in conflict zones and are at risk of being targeted by oppressive governments and armed groups that the government cannot control, which puts them at risk if survivors talk to the media, for example and disclose the documenters and their work. Participants suggested “common ownership” between the documenter and survivor or focus on the meaning of ownership as applying to the decision to share their story or not, but did not agree that the survivor should own a documented story after the fact in all circumstances.

Consultant’s Note: *This would be difficult to apply the concept of ownership once the survivor’s story is transmitted, for example to a journalist. It is difficult if not impossible to remove a story that is published online, or in a documentary, therefore how this would be applied in practice is difficult to envision. If the provision is about recognizing that the survivor owns her story and experience as part of her decision to share it in some way, then I would add a provision to make that clear. It could be read to suggest she continues to own her story and that would be confusing and hard to apply.*

Suggested Revision of 1.9 Ownership: “We will recognise a survivor’s ownership of their own story and experience as applied to her decision of whether to share her story and based on her own terms.” [ME RT]

- Several consultees noted that this point is very important and relevant, notably in the context of Latin America.
- However, they also noted that the text of this point could be strengthened. Since appropriation of a survivor’s story often occurs in subtle ways, consultees suggested adding guidance for documenters about how/when we should ensure that we are not appropriating a survivor’s story. They noted that simply “recognizing ownership” may not be enough to avoid causing harm through appropriation when interviewing, transcribing, communicating, publishing, representing, etc. [LatAm RT]
- Participants noted that there are practical issues when it comes to ownership of stories. For instance, survivors may in fact not “own” their stories in a number of contexts. This was particularly emphasised in relation to media which hold certain legal rights and often replay stories without regard to whether the circumstance has been consented to. No practical recommendations were provided to address this noted tension in relation to ownership by

“storyholders and storytellers”. This, according to two participants, underscores the challenge in developing a draft code which seeks to address all types of documentation and purposes. [Child Rights RT]

3.2.1.10 Non-Discrimination:

Consultant’s note: *I suggest adding “cualquier aspecto de su” before “identidad”, to properly translate the meaning of “any” found in the English version, since as it is currently written, this point sparked some concern with one consultee who felt we had not properly included the diversity of identity markers in this point. [LatAm RT]*

- Additionally, it was pointed out that the phrasing in 1.10 is problematic in its use of “adverse distinction” alongside “discrimination”, because “on the basis of” is not only followed by any “impermissible” ground, but also by any identity, status, attributes, belief, opinion, while each of the latter five grounds in certain circumstances would justify adverse distinction (for example so as to protect a victim from further harm or fear). Consider correcting the phrasing in 1.10 in the problematic use of “adverse distinction” alongside “discrimination” [LGBTIQ Rights RT]
- Historically disabled people have been subject to medical and social interventions designed by non-disabled professionals who act in the best interests of disabled people. This denies disabled people autonomy over their lives. Often disabled people have internalised ableist attitudes and will not report sexual violence perpetrated against them because they don’t think they will be believed. Where data is being gathered for the purposes of devising policies and practices to respond to needs of people experiencing sexual violence, conflict, emergency having disability perspectives is very useful as if systems are designed in a disability positive manner, everyone will benefit.
- One suggested recognising that disabled people are invisible within certain settings, don’t think they will be believed and this prevents them coming forward to have their story recorded. [Disability Rights RT]
- Six people believe disability should be amended here. One person disagreed that this doesn’t have to be completely prescriptive. [Disability Rights RT]

3.2.2 Principle 2: Take the Time, Make the Space

- Example provided by one person that army/official uniforms should not be worn by interviewers as can be stressful for interviewees.
- Three participants did not know what ‘right space’ means and would prefer ‘accessible and/or appropriate space’ instead. Two participants suggested additional wording of ‘including reasonable accommodation’. [Disability Rights RT]
- In the current Spanish version of the MC, this Principle reads “Dedicar tiempo, Conseguir el espacio” (which translates to “Take the time, Obtain the space”). In the spirit of giving more agency to survivors throughout the MC text, one consultee suggested replacing “Conseguir” with “Crear” (“create”) or “Construir” (“build”), as these are actions in which the survivor can participate, and this avoids the extractive tone of “conseguir/obtain” that is currently used. This suggestion was welcomed by other consultees. [LatAm RT]
- Many consultees, notably those who have done extensive interviews with survivors of CRSV, noted the need to explicitly recognize that many times you need more than one session/interview with a survivor in order to build enough trust and/or to give them the time that they need in order to share their story. Although the MC acknowledges the need not to rush, there is no mention of the fact that you may need to plan to return (when possible) to allow for multiple exchanges with the same survivor. [LatAm RT]

- One consultee (a survivor and activist) suggested adding: “secure/ensure the resources” as a commitment here (or potentially under Basic Principle 4)
 - With regards to “resources”, this consultee was referring to the money and materials/tools required to ensure that interviews/interactions with survivors take place in a private and safe environment as noted in Basic Principle 2, and safe transportation for survivors to an appropriate location for interviews when necessary.
 - The consultee also noted the importance of ensuring that participating in documentation does not constitute a financial burden on survivors (e.g. due to having to pay for transport, missing work, pay for childcare, etc.), and that documenters should ensure the resources necessary to avoid placing any undue burdens on survivors.
 - The consultee also commented that if documenters are paid for their time, why shouldn’t survivors also be paid, and that we need to take all the measures possible to avoid that interviews/documentation are extractive in nature and that survivors and their stories and just treated like resources themselves. [LatAm RT]
- A couple of consultees brought up the fact that in some situations, notably in the context of certain legal proceedings, there are time limits that cannot be adjusted (e.g. if a survivor chooses to bringing their case before the inter-American commission, there is a limited time frame for submitting information that cannot be extended). These consultees noted that the MC should mention that there are cases when we cannot remove time pressures, and that documenters must ensure that they take into account these considerations and communicate them clearly to survivors to ensure their informed consent before moving forward. [LatAm RT]
- A number of participants noted that refugee settings can serve as challenges in light of the lack of privacy, requiring that documenters tread with special care in such settings. This issue was recommended to be highlighted in the Commentary. [Child Rights RT]

3.2.2.1 Time and Space as Essential

Online and remote interviews:

- Participants noted that it would be important to acknowledge that much work is currently being done online, and that will likely continue and has implications. Include information related to documentation being done in different professions online as this has now become widely accepted, but it also is fraught with unique risks and challenges.
Suggested Revision of 2.1 Time and Space as Essential: “We recognise that sufficient time and the right space are critical elements for a safe, ethical and effective engagement with a survivor. We also recognize that an increasing amount of documentation is being done online, which has its own implications for time, space, and safety issues.” [ME RT]

3.2.2.2 Recovery First

- There was quite a bit of discussion here and some of the feedback was unclear. On the one hand participants recognized the importance of recovery and even as a priority, yet they also struggled with how this would apply in practice, especially with journalists. Some felt that it was so important that no documentation should be done until survivors have been psychologically assessed and determined to be ready for an interview. A couple of participants suggested taking it out entirely because it is hard to apply.
- One participant did not think that this would apply to journalists or documentary filmmakers.
Consultant’s Note: *I think the most important factor to consider when working with survivors is safety and this is well established from a service provider perspective. The term “recovery” is nuanced because who would determine whether someone is recovered and how, and it may not be realistic as a minimum standard across various types of documenters. Under the Provision, the expectation not to pressure survivors until they are ready is closely linked to the informed consent*

requirement. I suggest changing this to “Safety First” and focus on both objective safety (is the person physically in a safe space) and subjective (does the person report feeling safe).

Suggested Revision of 2.2 Recovery First: **“Recovery-Safety First:** We recognise that an individual survivor’s ~~recovery process~~ safety takes priority, and that survivors should not be asked to tell their stories until they are objectively safe (physically in a safe space) and subjectively safe (survivor reports she is feeling safe) ~~pressured or induced to disclose any experience or event until they are ready to do so.~~” [ME RT]

3.2.2.3 Reducing Time Pressures

- At least one participant was uncomfortable with the word “reducing”, questioning why any pressure would be acceptable. Seek to “Eliminate” rather than “reduce” time pressures wherever possible.

Suggested Revision of 2.3 Reducing Time Pressures: **“Reducing Eliminating Time Pressures:** We will ~~seek to remove~~ eliminate time pressures and constraints to support voluntary decision-making, reduce pressure on survivors and allow them to tell their story in the way and at the pace they wish.” [ME RT]

- One person noted relevance of this for people with psycho-social disabilities.
- The concept of ‘reasonable accommodation’ can apply to all the sub articles in this section. Four participants sought to name examples of reasonable accommodations to reduce time pressures – having rest breaks, scheduling multiple interviews to avoid fatigue if necessary.

Consultant’s Note: *This could be in the accompanying document.* [Disability Rights RT]

3.2.2.4 Supportive Environment

- Suggestion that reasonable accommodations be named here to enable participation by everyone who wishes.
- Recommend that the words ‘accessible and supportive’ be added before ‘emotionally and physically safe environment’.
- Include in the accompanying document what accessible environments entail – adjusted lighting and noise levels, physically accessible bathrooms be available, accessible materials be used at all stages.
- Be conscious of the role of the family as potential advocates but also as oppressive forces. Peer researchers should be supported – it would be easier for a disabled person to disclose their experiences to another disabled person than a non-disabled researcher.
- One suggested wording: ‘We will create an emotionally and physically safe environment as a fundamental foundation and decision-making by survivors sensitive to their age, gender, disability or other diversities.’ [Disability Rights RT]
- When addressing supportive environments under Principle 2.4, it was suggested that reference to child-sensitive interviewing environments and interviewing techniques be included. [Child Rights RT]

3.2.2.5 Privacy

- Four participants suggested changing to ‘private, accessible, discrete interview space’.
- Three people also felt that a reference to potential retaliation for participating in research should highlight the importance of privacy here. [Disability Rights RT]

3.2.2.6 Reducing Numbers

- Several consultees referred to the need for documenters to consider the impacts, risks, and possible benefits associated to the presence of different individuals during an interview, such as the impact (positive or negative) of interpreters, support persons, the survivor’s family, community members, NGO representatives, etc.

Consultant's note: *I gathered from the comments of consultees that perhaps the main focus of this point should not be the number of people present, but instead reflecting on the potential impact of all those present, and doing what is possible to ensure that the people who the survivor wants/needs are present, and no one else.* [LatAm RT]

- Consider adding a note or footnote that notes how intersex folks may have experienced medical trauma in childhood or as adults and medical personnel and/or settings can be triggering and not feel safe (see Appendix One). [LGBTIQ Rights RT]
- Five participants were unhappy with the 'as far as we can' and 'if' nature of this principle. It would put people under pressure to even suggest continuing in an environment that is inaccessible and unsafe to them. [Disability Rights RT]
- Principle 2.6 and the issues of support persons were addressed by nearly all participants. Two participants stated that it was important to acknowledge that survivors with high vulnerabilities may have specific needs in terms of support persons, especially children. Two participants noted that the presence of certain support persons might be mandatory by law in certain contexts (e.g. legal representative). Five participants in both the roundtables and one-on-one discussions noted that there was a danger of including family members as support persons and that this matter should be acknowledged. Most felt that there could be a risk that a child might be reluctant to share a particularly sensitive information in the presence of a family member, and that risk should be taken into account. Examples were cited, including that younger children may expect their parent(s) or guardian(s) to share their story instead of telling it themselves. It was noted that parents may struggle to refrain from engaging in the interview and that their verbal and non-verbal cues could result in leading interactions with the child. This raises credibility issues, especially in criminal settings, and raises questions over the quality of accounts. Participants agreed with the assertion that documenters should limit the number of persons in any given interview (i.e. "the fewer people in the room the better"). *"The notion of support persons. There seems to be a notion that it's always a good thing for a parent to be around. And not when we talk about sexual violence. Children are incredibly worried about their parents' reaction."*
- One participant noted that support persons should be assessed and prepared to attend the interview. One participant recommended that the DMC include reference to the need to have a parallel conversation with the support persons to:
 - explain how their presence can influence how comfortable a child witness can be, including the impact of their presence and any non-verbal cues which they may provide.
 - explain that they may hear things that may shock or upset them and that it is important to contain reactions.
 - gauge their level of comfort to participate.
- It may also be necessary to recognise that support persons, such as legal representatives, may be required to be present in accordance with national law.

Consultant recommendation: *We will ensure support persons are in close proximity to where the interview is taking place but not in the interview room, unless necessary and in the child's best interests or as required by national law. Where it is necessary for support persons to be in the interview, efforts should be undertaken to prepare the support person.*

- This could also be addressed in greater detail in the Commentary. [Child Rights RT]

3.2.2.7 Continuity

- At least one participant was unclear about this provision and did not understand what or who continuity referred to. Recommendation to redraft so where more than one interview with a survivor will be required, that it is important to have the same person follow up rather than different people.

Suggested Revision to 2.7 Continuity: "Whenever repeat interviews or interactions are necessary, possible, we will seek to ensure the same person or documenter ~~maintain continuity of persons~~

communicating with survivors, to maintain trust and comfort levels, and to minimise risks that may flow from a change in personnel.” [ME RT]

- This was received positively by all but the caveat that the individual’s will and preference around staff continuity needs to be respected. [Disability Rights RT]

3.2.2.8 Safety and Quality over Quantity

- All consultees agreed that this is a very important point to include in the MC.
- In order to make the point more clear (especially for documenters who believe they are serving the “best interests” of survivor if they place quantity first because then they will be able to demonstrate the breadth of the issue and potentially gain more attention/support/services for survivors), a couple of consultees mentioned that this point could be underscored by explaining that sexual violence is such a complex issue that data/information collected through rushed processes risks being unreliable or unrepresentative because survivors will often be unable or unwilling to share complete / clear information in one single interview session and/or if they feel unsafe or pressured. [LatAm RT]

Consultant’s Note: *In the disability sector there is a lot of ‘consultation fatigue’ where the same group/individuals are approached repeatedly for their contributions and these don’t necessarily represent the opinions or preferences of the wider disability community. Approach Disabled People’s Organisations where possible.* [Disability Rights RT]

3.2.3 Principle 3: Local Knowledge and Understanding

Unintended tone issues:

- One participant emphasized the importance of building mutual trust between the two parties. In her view Principle 3 conveyed the message that there are experts who are superior who understand this community and context in a way *that can be read as patronizing. She agreed the DMC should focus on cultural understandings, but not make others feel as if they are “alien.”*

Consultant’s note: *One way to possibly address some of the comments outlined in point 9 of this report regarding the tone of the MC, could be to remove the word “local” from several places within the text of the MC. I feel that in most cases we can simply delete the word “local”, and when that leaves a gap in the text, we can replace it with a word such as “contextual”. For example, in Principle 3.1: “Contextual–Local Knowledge: We recognise that a good understanding of the local context is critical...”. I think this would help remove the “outsider” or “top-down” perspective from the text, and also allow for the fact that even a “local” documenter needs to ensure they have a solid understanding of the context and culture of the survivor.* [LatAm RT]

3.2.3.1 Importance of cultural understanding and appropriate conduct

- Several consultees recommended adding (either in point 3.2, 3.3, 3.4, or as its own point) the need to understand and to respect cultural practices of how to treat survivors with kindness/humanity/social respect (e.g. is it culturally expected to take the time to drink a tea at the beginning of a conversation, or to bring something to eat if an interview will happen in a person’s home?). Many of the points in Basic Principle 3 focus on the potentially harmful impacts of cultural practices, but consultees also noted the importance of being informed of and understanding how to ensure positive interactions that are culturally-appropriate.
- Consultees noted that many times documenters from outside a survivor’s community feel that such gestures overstep “professional boundaries”. However, consultees underscored the fact that documentation on CRSV cannot be done with a “neutral”, “exclusively objective”, or “sterile” approach, since survivors are being asked to share very intimate and personal information, and if

we are to treat them with humanity and empathy we must not treat them only as a source of data/information. [LatAm RT]

- Several participants noted the importance of this section and to flesh out this concept in further detail. Participants also noted how most investigators tend to be heteronormative cisgender persons which can skew their outlook on the world and ability to identify and engage with sexual violence victims from diverse genders.
- Several participants highlighted the need for the Murad Code to emphasize to investigators the need to know well in advance how approaching a survivor may put that survivor at risk of harm or possibly criminalization. For example, disclosing information on sexual practices that may be criminalized can put interviewees at risk of arrest or imprisonment depending on the local laws and practice. Even when sexual practices are not criminalized, the risk of disclosing could bring other harm to victims such as shame or stigma and possible ramifications such as displacement, loss of custody of children, barred from school or social services, fired from employment, etc.
- For this reason, they should not only familiarize themselves with local laws and practice but also proactively take into consideration whether the interview will create any other risk of harm to the interviewee. Even the mere fact that an interview has taken place could put a victim at risk of harm. For example, a man interviewing a woman alone or a married woman disclosing that she has been raped can put interviewees in some communities at risk of harm. This is especially true for LGBTIQ women and LGBTIQ persons. Thus, investigators need to be informed of the wide risks associated with talking to sexual violence survivors and then disclose them to interviewees.
- Consider adding language to **sections 3.1 Local Knowledge, 3.2. Cultural Understanding, and 3.3 Local Laws and Practices** on the risks to interviewees for engaging in interviews. [LGBTIQ Rights RT]
- This section prompted a huge amount of discussion and many of the points cross over other principles. Three suggested making reference to Disabled People’s Organisations as an example of local actors. Four agreed that using ‘IF we do not come from the area’ isn’t appropriate and that even where researchers are local they are unlikely to have multiple identity specific expertise, such as disability. They suggested changing it to just ‘We will seek to work with local actors, such as DPOs, to familiarise ourselves....’ [Disability Rights RT]
- One participant noted the issue of international consultants being flown into countries who are expected to have enough local knowledge, cultural understanding (including understanding appropriate communications and interactions) as well as national and local legal systems (see Principles 3.1 through 3.4).

Consultant recommendation: *The DMC may benefit from acknowledging this and amending the language slightly to better capture this reality and the need to have local knowledge and understanding before travelling to a country to engage in documentation.* [Child Rights RT]

3.2.3.2 Cultural Understanding

- There was consensus among participants that anyone dealing with survivors should be aware of the community, culture, and beliefs. At the same time one participant noted that cultural understanding cannot be gained easily or quickly and that it is important to seek people with local knowledge.

Consultant’s Note: *Because this is a minimum standard to be applied across different types of documenters, it would be helpful to clarify the level of local knowledge required before engaging survivors or traveling to a new country facing conflict. This could include understanding key actors in conflict, local dynamics (gender, sectarian), and how engagement could put survivors and their families at risk. I always think of this from the perspective of the journalist -the person with the least time, often few resources, and pressure to get the story, and what is practical and necessary to know before engaging with survivors. When I consider this in the context of the Yezidi case, journalists assumed (naively, conveniently) that because the women were welcomed back by the Spiritual Committee that*

there were no risks to their safety or stigma, which was entirely inaccurate. They should have known that and would have if they spoke to local experts outside the Yazidi community, however they would not be able to understand the community deeply which takes time.

Suggested Revision of 3.2 Cultural Understanding: “We will take the time to understand how relevant cultural factors may impact survivors and put them and their relatives at risk. These can include but are not limited to gender, age, sexuality, religious, ~~political and other~~ beliefs about survivors related to honour and shame, social status, disability, ethnic, religious and other identities (~~intersectional factors~~); ~~when coupled with local social attitudes and dynamics, impact the survivors, their family and community, and our work. This includes where local attitudes and dynamics may be harmful to survivors and put pressure on them.~~” [ME RT]

- This was well-received by everyone. They highlighted how disabled people might also be LGBTQI or ethnic minority members and that this intersectionality should be clearer. [Disability Rights RT]

3.2.3.3 Local Laws and Practices

Consultant’s Note: *Where local laws and practices are at odds with international human rights law, for example legal capacity being denied to people with disabilities to prevent them being able to give consent to participate in research, the MURAD code should emulate the international human rights standards. This will ensure consistency in application across jurisdictions.*

- One participant suggested that the issue of women’s oppression and attitudes towards disability need to be highlighted. [Disability Rights RT]
- One participant suggested documenters should be fully aware and understand concepts, language, cultural and social norms.

Suggested Revision of 3.3 Local Laws and Practices: “We will familiarise ourselves with local laws and practices relevant to survivors, and their potential impact on survivors and our work, ~~including where they may~~ such as laws that criminalise a survivor for what has happened or where they impose mandatory reporting and disclosure obligations. We will explain these to a survivor before they share their experience, so they can consider whether ~~or not~~ to proceed.” [ME RT]

- One consultee suggested reviewing the phrasing of this point to ensure a more survivor-centered tone (echoing the comments outlined in point 9 of this report regarding the tone of the MC). The consultee noted that the way this point is currently phrased makes it sound like the documenter needs to “watch out and take care of the survivor”, instead of ensuring a common understanding of relevant laws and practices and their risks but also their opportunities. The consultee noted that even though the text says “including” before the example of criminalization, by only including this example the text places an undue focus on the risks associated to local laws, and fails to encourage documenters to also understand the avenues available to the survivor through local justice and protection mechanisms for example. [LatAm RT]
- Consider adding “as well as customs and practices” to the first sentence in section 3.3 Local Laws and Practices. [LGBTIQ Rights RT]

3.2.3.4 Appropriate Communications and Interactions:

- A majority of consultees noted the need to be careful here to differentiate between what are social/cultural norms to respect in order to ensure that survivors feel comfortable, and what are norms based on (often patriarchal) stereotypes that need to be challenged because they fuel a survivor’s shame or guilt. This was echoed by several consultees from diverse professional and personal backgrounds.
- Several consultees suggested that since what is considered “offensive” is so subjective, the MC should aim to be more precise here (and anywhere else where the concept of social norms or offence is mentioned) about what types of terms documenters should avoid. [LatAm RT]

- Some participants noted inconsistencies with the content in this section as it pertains to rape victims particularly if they identify as a member of the LGBTIQ community. They also acknowledge that this is a particular challenging section to draft. Participants who commented on this section, explained that nuances with rape such as the different complexities and challenges to reporting rape of men vs women could be clearer. This may include an acknowledgment that sexual violence creates equally traumatizing and challenging shame for both men and women and that women often face additional discrimination when raped because of their gender. This is then compounded by LGBTIQ status. One participant also noted that it would be beneficial for the Code to note that inaccuracies and contradictions in statements made by victims should not be taken to mean the victim is not telling the truth.
- Several participants noted how investigators often look for information in language or possibly the predominant language in the country but not looking at research in local contexts could lose the most authentic insights could be lost. One participant also commended the Code for using the phrase “non-negotiable red lines” and suggest conducting interviews in local community languages should be one of them as well.
- Two participants pointed out the challenges to inclusion of nonbinary and transpersons who do not identify within the mainstream binary and how SGBV language is built with inferences that reinforce a binary perspective. For example, the term “GBV in conflict” generates an idea of a women as a victim. And the word “women” often implies or is assumed to mean cisgender and heterosexual women. Thus, assumptions made from common terminology may lead to the exclusion of victims on the basis of gender identity and sexual orientation.
- Therefore, the recommendation was made to include a note in the Murad Code advising interviewers to approach this work from the assumption of victims also living in a nonbinary world and to keep an eye out for people with diverse experiences, different lived realities and how they are affected by these realities and avoid the natural inertia to create hierarchies within who we frame as a victim. In other words, interviewers need to be mindful applying a broader gender lens that views the world from a broader perspective than just that of a cisgender / heteronormative world and also acknowledges victims’ intersectional identities. [LGBTIQ Rights RT]
- Several participants raised concerns about working with interpreters. Using friendly language to translate SOGIESC or LGBTIQ, non-binary, and gender non-conforming may be lost on interpreters who are not familiar with non-derogatory terms or may not have appropriate terminology readily available in the mainstream language being interpreted.
- This can be particularly acute when interpreters are not members of the LGBTIQ+ community. Additionally, some terms may not be the preferred terms for members of a local community or may not identify with formal or Western acronyms. Other communities may prefer these terms or acronyms because they offer a layer of anonymity and protection because they are not used in the mainstream language. For these reasons, investigators should check in advance with interpreters or people on the investigator’s team who speak the local language to review terminology and ensure that language being used is the most appropriate and not offensive. One participant suggested attaching a list of acronyms and definitions to the Code so that these are readily available for interviewers.
- Considering adding that interviewees should also make aware to victims if there are options for how an interview may be conducted for example in person or online through a secured platform.
- Consider noting the challenges and complexities surrounding rape and gender. Note how stigma faced by men and women is equally traumatizing but that women and LGBTIQ persons may face additional discrimination or challenges to engaging in interviews because of intersectional discrimination.
- Consider noting that inaccuracies and contradictions in statements made by victims should not be taken to mean the victim is not telling the truth.
- Consider using the phrase “non-negotiable red lines” for conducting interviews in local community languages should be one of them as well.

- Consider noting that interviewers maintain a broad gender lens that maintains an nonbinary awareness and seeks out diverse experiences, different lived realities, noting how victims are affected by these realities in.
- Add language that makes clear that interviewers should check in advance with translators or people on the team who speak the local language to review terminology and ensure that language being used is the most appropriate and not offensive. [LGBTIQ Rights RT]
- Six people agreed that sign language be named, one person suggested to add in tone of voice after ‘impact of our words’.
- Five supported using ‘impact of our communications and interactions in the local context’.
- As disabled people experience physical violence frequently in their lives, it will be important to name and describe what sexual violence is as they may not be aware of it even though they experience it.
- One suggested wording: ‘We will work to understand the significance and impacts of our words and interactions in the local context and take proactive measures to communicate in accessible formats and utilize respectful and non-discriminatory communications messages, without reinforcing stigma and discrimination. We will be alert to gaps which may exists in language and concepts for sexual violence, and to differences in social norms which can cause harm or offence.’ [Disability Rights RT]

3.2.3.5 Minimising Repercussions

- Some consultees (human rights defenders and lawyers) highlighted that interactions with a documenter can have positive repercussions, such as showing belief and support for survivors and restoring their dignity and agency, or helping draw attention to the needs of a community who has not yet been able to access services or justice mechanisms.
- Several consultees strongly suggested to edit the phrasing of this point to: “We will seek to minimise the negative repercussions of our work in a community...”, but also echoed the comments in point 9.a of this report regarding a survivor’s agency, and that documenters should also ask/dialogue with survivors to learn/better understand the impacts their work can have on the survivor’s community. [LatAm RT]
- Two participants felt that the language in this principle was too soft ‘will seek to minimise’ should be replaced with ‘we will undertake proactive measures to ensure no repercussions of our work...’
- One suggested looking to existing human rights resources, such as human rights watch, about appropriate language for human rights defenders being protected.
- One person suggested that ‘accessible referral pathways to minimise repercussions’ should be referenced here.
- One suggested wording: Eliminating repercussions or reprisals: We will seek to eliminate minimize the repercussions of our work in a community, including avoiding stigmatizing, instrumentalizing or tainting survivors through engagement with us, or commercializing the process of identifying survivors for interview...[Disability Rights RT]

3.2.3.6 Local Actors

- Several participants flagged concern that the DMC did not include any reference to the role of local authorities as gatekeepers who often require permission to engage with certain groups such as displaced persons including survivors, and it is important to understand where they fit in. Participants noted this is tricky, because the government often wants to prevent interviews and acts as a gatekeeper by requiring permission. This puts both the documenter and survivor at risk of being investigated and harassed by local officials.
- Another participant noted that journalists should be required to have permission, given how they have acted in the past, putting survivors in difficult situations, holding meetings without following prior procedures and taking survivors back to the same difficult experiences.

- In countries where there are militias, they present problems for survivors and a participant stated that survivors have complained about militias.
- Participants recommend acknowledging that local actors have both positive and negative contributions and attitudes towards survivors.

Consultant's Note: *Although participants focused on security and other local officials, often those who appear to be supportive or benign have political motivations or negative views towards survivors that they may not voice, but that could negatively influence a documenter's understanding of the context.*

Suggested Revision of 3.6 Local Actors: *"We recognise the important role of local actors in the continuity of support for survivors, and for tackling negative attitudes in the community towards survivors. We also recognize local actors perpetuate negative attitudes towards survivors, and act as gatekeepers preventing access to survivors or controlling information they provide. Local actors refer to government officials, militias, military, refugee or IDP camp managers, CBOs with political motivations, tribal and religious leaders, and family members."* [ME RT]

Consultant's note: *As written, this point seems to assume that local actors always play a positive role with regards to survivors, which is not the case. I suggest editing this point to highlight instead the need for documenters to familiarize themselves with local and other actors (for example NGOs, churches, community leaders, government bodies, other groups) that have a role and influence in the survivor's community, and to engage with actors who can help further the principles of the MC.*

- Several consultees noted the importance of documenters engaging with victims groups and victims platforms, notably in countries (such as Guatemala, Argentina, and Colombia) where the conflict/violations began long enough ago that victims have had the time to organize themselves. Engaging with these organizations can help a documenter better understand the broader context and processes that survivors have experienced.

Consultant's note: *Again, as noted above, not all victims' groups are genuinely representative and respectful of individual victims' rights, so the general note to inform oneself about the potentially positive or negative role and influence of these groups is key.* [LatAm RT]

- Need for caution with gatekeepers and should promote disabled people's organisations rather than service providers to facilitate interviews with disabled people.
- Two people noted that where local actors offer interpretation and translation services their safety might also be compromised so the code should recognise protection for them.
- The usefulness of local actors in identifying and reaching the most marginalised communities should also be recognised as larger organisations might not be accessible to minority groups. [Disability Rights RT]
- Some participants mentioned that the draft Murad Code did not sufficiently emphasize the role of local psychological support organizations. In particular, it was expressed the need for documenters to coordinate the work with these local organizations. [Survivors as Documenters RT]

3.2.4 Principle 4: Preparation as the Foundation

Additional preparation

- A number of participants spoke of additional requirements in terms of preparing to interview children (see e.g. Principle 4.1 (Preparation first)). [Child Rights RT]
- One participant noted how investigators are often unprepared to identify or interview male survivors of sexual violence, and haven't thought through how lines of questioning might be the same or different than for female survivors. Adding language around assumptions could help trigger some thinking about this possibility in contexts in which it is less expected, for whatever reason. [LGBTIQ Rights RT]

3.2.4.1 Preparation First

- One person thought this was a ‘placeholder’ principle and could be strengthened to include ‘safe, accessible, ethical and effective outcomes’ [Disability Rights RT]

3.2.4.2 Risk Assessment and Mitigation

- One person felt that the reference to intersectional identity is too soft. They suggested: ‘This assessment will include intersectional risks to an individual, their family and community and acquiring knowledge about the implications for communities who are criminalized based on their status, e.g., sex workers or LGBTQIA+ individuals and how exposure could put them at legal risk - as well as existing cultural attitudes: patriarchy; stigma and discrimination etc.’ [Disability Rights RT]
- Participants noted that they as documenters and survivors face serious risks, for example in Syria the biggest risk survivors face is if they have relatives connected to the system and authorities.
- Add language to acknowledge risks to documenters as well.

Suggested Revision of 4.2 Risk Assessment and Mitigation: “We will identify and assess any potential harms, risks or consequences for all those involved, including survivors as well as documenters. Potential risks include ~~ing their~~ undermining safety, well-being, socio-economic and legal rights and review this assessment as often as necessary. This assessment will include ~~intersectional~~ risks to an individual, their family and community. If we proceed to contact a survivor, we will ask them to identify their concerns, as part of our ongoing risk assessment. We will adopt appropriate measures to address those risks and review those measures as often as may be necessary. We will not proceed if the risks cannot be appropriately mitigated. We will also evaluate risks to ourselves as documenters working in conflict zones and under oppressive regimes.” [ME RT]

- Several consultees felt that as it is drafted this point may not be realistic, since we can very rarely identify and mitigate all potential risks. If the MC indicates that documenters should identify and mitigate “any potential harms” before proceeding, consultees fear that either you will end up with documenters who erroneously think they have taken into consideration every possible risk (and who are therefore not sensitive to / on the look out for other risks that may become apparent over time), or smaller organizations who feel paralyzed and will not proceed with important documentation because they lack the resources to do a full risk assessment.
- Consultees therefore suggested replacing “any potential harms, risks, or consequences” with “as many potential risks or consequences as possible”.
- Consultees also suggest editing this point to make it evident that risk assessment and mitigation is an ongoing process (and not a one-off that is completed before an interview), and that documenters must therefore be alert to changes in the situation and to periodically reviews potential risks and mitigation measures to ensure they are still adapted to the situation and the survivor’s needs/desires.
- Some consultees also noted that this point needs to encourage documenters to balance the potential risks with the potential benefits of documenting for survivors, and that the opinion of survivors themselves is an indispensable element of a proper risk assessment. Consultees echoed the concerns outlined in point 9.a of this report on the need to recognize the agency of survivors, and noted that sometimes survivors are happy to take on possible risks in the pursuit of their rights and sharing their story. [LatAm RT]
- Risk assessment and mitigation was discussed by all participants, with those participants with a background in psychology noting that children may not have the capacity to identify and understand risks, especially long-term risks as noted in this report when discussing issues of assent/consent.

Consultant recommendation: *It may also be important to address the risks that documenters face as a result of their engagement. Guidance on how to undertake a risk assessment could be provided in the Commentary.* [Child Rights RT]

3.2.4.3 Contextualising Sexual Violence

- All consultees stated that the idea behind this point is very important. This was especially underlined by consultees who are indigenous and/or work closely with indigenous and rural communities, since a singular focus on sexual violence is often not what survivors from these communities seek, and many of these survivors continue to face other human rights violations at the time of documentation that they may want to report.
- A couple of consultees suggested strengthening this point, to go beyond just the acknowledgement that sexual violence may be disclosed among other crimes, but to underline the importance of not having a singular focus on sexual violence. They felt this would also help the MC be more applicable to contexts where the collective identity of an indigenous survivor may come into play.
- **Consultant's Note:** *These comments are somewhat taken into account in point 7.7 of the MC, but perhaps both 4.3 and 7.7 can be slightly edited to provide guidance on what to do when documenters are faced with the disclosure of other crimes. Here is a possible edit to the text of point 4.3 that may help reflect the above comments from consultees: "We recognise that sexual violence does not happen in a vacuum. Disclosure of sexual violence, or of other crimes/violations, may occur unexpectedly. We will prepare for that possibility and plan accordingly. We will also listen if the survivor chooses to talk about other crimes, recognising that they may have endured or may still be enduring other harms and hardships, and [something here about ensuring informed consent about what to do with the information regarding other crimes that the survivor has shared with us]." [LatAm RT]*
- It was indicated that CRSV is part of a more general type of violence, that is the gender-based violence and this link does not seem to be adequately addressed in the draft Murad Code. This fragmented approach can impact the contextualization of the CRSV because it does not show the entire victimization caused on the survivor, his/her family, and his/her community. Furthermore, making the gender dynamics behind CRSV invisible can also affect efforts to highlight other types of gender-based violence (that may be linked or not to CRSV), such as those against LGBTIQ+ people. [Survivors as Documenter RT]
- Participants spoke of the need to emphasise the context in which children interact with adults (see Principle 4.3 (Contextualising Sexual Violence)). For instance, it was explained that in some cultural contexts, "children are seen and not heard". It was recommended that this should be addressed in the draft so that documenters ensure that they understand barriers to a child's meaningful participation within that cultural context. *"We need to better understand how child survivors relate to power."*
- Four participants noted that the need to address that CRSV involving or affecting children does not exist in isolation and is often associated with the commission of other crimes. This was strongly expressed in relation to children associated with armed forces and armed groups who may face a number of violations. One participant noted the important differences that need to be illuminated when working with a 14-year-old victim of CRSV from a child victim of CRSV who was formerly associated with armed groups or forces and has had adult experiences. It was therefore recommended that the DMC be strengthened to identify other grave violations such as recruitment and use of children and attacks on schools, which are unique to children. [Child Rights RT]
- One person recommended instead of 'talk', use 'communicate', as not everyone has verbal speech. [Disability Rights RT]

3.2.4.4 Actor Mapping and 4.5 Referral Pathways Mapping

- Some participants found this confusing, while others were more familiar with the process. Some said it was very important and should be done by anyone coming from outside the country.

Consultant's Note: *This provision is important, but as it is written it seems burdensome for a minimum standard across different types of documenters. In my experience this is usually a function of local and international CBOs supported by clusters in specific sectors and is a time-consuming process that is done in-country. I recommend documenters take the effort to know who is working in the same field, doing similar work to inform their approach and learn about services or service providers where they can make referrals for survivors if requested which is not unusual for a researcher or investigators, but is unusual for journalists with less time and resources.*

Suggested Revision of 4.4 Actor Mapping: **Actor Mapping:** “We will ~~conduct an actor mapping~~ reach out to CBOs who conduct actor mapping to understand all relevant actors, including who is collecting information from survivors for what purposes, and to help inform our understanding of adding value under Principle 5 and to coordinate to avoid duplication of efforts and interviews under 4.6.”

Suggested Revision of 4.5 Referral Pathways Mapping “We will ~~map~~ reach out to CBOs working in-country for referral information for any accessible, safe, confidential, effective, and age- and gender-attuned support services and systems for survivors, including medical, mental health and psycho-social, protection and legal services. We will endeavour to recognise and reduce barriers to accessing support for survivors whenever possible and within our role and available resources.”

- One person Include interpretation and translation services here also. Five people recommended naming ‘disability’ in the categories here. Four people recommended naming civil society groups and DPOs as referral pathways because statutory services may be inaccessible and complicit in violence or conflict experienced. Also, government agencies have limited reach for marginalised communities. One person recommended promoting peer support and non-medicalised approaches to support.

Consultant's Note: *(agreed by four participants): Use ‘eliminate’ rather than ‘reduce’ barriers to accessing support.*

- One recommended wording: We will map any.... and age, gender, and disability attuned support services...We will endeavour to recognise and reduce barriers to accessing support for survivors whenever possible and include civil society organizations, including organizations of persons with disabilities, representing the most marginalized as governments, national and international NGOs might be missing the most marginalized entirely. [Disability Rights RT]
- When it comes to documentation for judicial or quasi-judicial purposes, it was indicated the importance of providing concrete psychosocial support tools for survivors. Concerning the referral mechanism mapping included in the draft Murad Code, it was suggested that it could be useful to regularly publish a list of entities working on the psychosocial support sector, dividing by regions, so documenters can coordinate with those entities when approaching survivors (acknowledging that the presence in the list would not provide a “certification or validation” about the type of expertise). [Survivors as Documenters RT]
- All participants spoke of the duty of care of documenters, especially when it comes to children, as expressed in Principles 4.4 through 4.7. For all participants, no person should engage with children where support services cannot be provided or where actual pathways for effective support are unavailable. Participants felt that the children must always benefit from effective support as well as protection from abuse, neglect and all forms of exploitation. Where documents are unable to ensure this support, documenters should not interview survivors. However, this was noted to be very difficult in practice in light of funding, capacity, and other contextual factors.
- Practitioners however noted the importance of ensuring that there is no confusion as between the role of the documenter and service providers. Participants this is especially important in the case of criminal justice so to ensure that credibility of child witnesses is not undermined. Guidance

could be provided in the Commentary helping documenters establish clear lines to ensure that organisations are linking children and families to service provision in a clear manner. Questions were also raised in relation to whether consent is vitiated through the provision of care insofar as it creates incentives and/or inducements. The Commentary would therefore benefit from addressing and navigating this tension on a case-by-case basis, and with a multidisciplinary team. *“Nobody should be giving these interviews without pathways for care.” “All children automatically don’t need therapy. The actual chance to tell about the events can have a closure.” “There is a tense space between providing assistance to child witnesses and the grounds which may subsequently arise to attack the credibility of the witness as a result.” “There is a problem with the criminal justice system sitting outside of care. If it is outside of care, it doesn’t matter, it is going to be traumatising. The shift that needs to happen is to include the criminal justice process within care and vice versa. If the judicial process is integrated we will not have to retraumatize children by interviewing them three or four times when their social worker may have already done so.”* [Child Rights RT]

3.2.4.5 Coordination and Cooperation

- Participants said this is very important and is missed in most institutes working with survivors – everyone works for themselves and that is not how it should be.
 - One participant felt strongly about this provision and suggested stronger language.
 - Participants recommend making this compulsory and obligatory to avoid harm or damage.
- Suggested Revision of 4.6 Co-ordination and Co-operation: *“We will coordinate with other documenting actors recognise the critical importance of co-ordination and co-operation, for the avoidance of to prevent harm, over-exposure of survivors and the impact on their rights through our work. , and will connect with those operating in the same place to seek ways to We agree that working together for leads to better survivor outcomes.”* [ME RT]
- One person objected to ‘survivor outcomes’ and recommended instead ‘work together to respect the dignity and autonomy of the individual’.
 - One person suggested that here is another place to refer to the need to protect from retaliation violence. [Disability Rights RT]

3.2.4.6 Follow-Up

- Every consultee mentioned that this point is absolutely key, and the lack of communication, follow-up, and ongoing respect of informed consent are some of the main ways that they have seen survivors rights be violated. Some consultees felt that this point is so important that it should eb perhaps echoed in other parts of the MC as well (not just under the principle of Preparation).
- Some consultees noted that follow-up is not only important for giving survivors feedback on outcomes, but also in order to remain informed about the safety and needs of survivors (and to be able to refer them to the appropriate services as needed), and to be informed about and address any repercussions/impacts of our engagement on the survivor and/or their community. Consultees encourage adding these elements to this point, so documenters keep in mind that these questions should be part of their follow-up process. [LatAm]
- Methods of follow up/feedback must be accessible, ensure they approve what is recorded before publication.
- The term ‘our best’ attracted criticism from four participants who thought if remaining in contact can’t be achieved the work shouldn’t be undertaken.
- One person felt that this is a good space to mention the human rights of interviewees, that UNCRPD has good language on self- determination that could be incorporated.
- Replace the ‘if’ in the final sentence and name ‘local Disabled Peoples Organisations’ as locally based partners.

- Also suggested wording that ‘we will make the best decision about engaging local partners based on the resources available to us’. [Disability Rights RT]
- Did not think this belonged here when talking about preparation and should be moved to 7.9 as part of safe closure of an engagement.
- One aspect that is missing is explicitly giving the survivor the right to see the final product before it is published and disseminated, and ideally revising it if they request changes.
- Participants recommended moving this provision to 7.9 “Safe Closure.” Also include a component that encourages documenters, especially those in the media, to allow survivors to see the final product and to provide input before it is publicly disseminated.

Suggested Revision of 4.7 Follow Up: “We will plan and do our best to remain in contact with survivors to give them feedback about outcomes if they agree to such feedback, and to facilitate review of informed consent if and when necessary. If we do not have an ongoing presence, we will ask locally-based partners to help. Whenever possible, we will give survivors the opportunity to review our final work before it is publicly disseminated.” [ME RT]

3.2.5 Principle 5: Add Value or Don’t Do It

- One participant stated this is not well translated and is interpreted as “achieving something” which implies someone is getting a benefit, which is contrary to the principles
- One participant felt very strongly about the importance of this principle. When dealing with people in vulnerable situations, documenters need to be aware that shedding light on a situation could negatively affect them. Another participant wanted more clarification about what it means to “add value” from different perspectives such as justice or the media. [ME RT]
- Participants not only focused on the importance of avoiding the exposure of survivors to multiple interviews but also on the need of considering the age of the victim at the moment of the statement/interview and how much time has passed from the events that affected him/her to the moment of the documentation process. It was mentioned that multiple interviews could be highly revictimizing when the traumatic experience is more recent. Although the passage of time does not necessarily imply that the person has overcome a traumatic situation, the survivor could be in a different (better) position to deal with the verbalization of his/her experience.
- Roundtable participants emphasized the need to avoid revictimization and overexposure of survivors, particularly regarding media and justice system agencies. Some survivors mentioned that the Murad Code should also guide the behaviour of other actors, such as members of the health sector (nurses, doctors, administrative employees, etc.) to whom victims generally also repeat their stories, exposing them to a revictimizing situation. [Survivors as Documenters RT]
- Three participants expressed that interviewers should ask at the outset whether interviewing a child is necessary. It was recommended that the DMC emphasise this point, including by guiding documenters to ask whether: (i) the information could be provided or has been already provided by an adult; and (ii) any other individuals or organisations have already collected the information. [Child Rights RT]

3.2.5.1 Clear Purpose

- Two people suggested the code Consider better language than ‘clear purpose’ – possibly ‘understandable’. [Disability Rights RT]

3.2.5.2 Realistic Outcomes

- One participant noted that this section could also include that the objectives can be achieved and are also communicated to the interviewee.
- Consider including that proposed objectives should also be communicated to the interviewee. [LGBTIQ Rights RT]

- Three people want ‘further’ removed and commitments to not doing any harm by researchers made.
- Also the ‘objective’ should be shared with the survivor as part of the continuous informed consent principle. [Disability Rights RT]

3.2.5.3 Alternative Sources

- One person said that alternative sources should be approached with caution – who produced them and how do inclusive was the production?
- It can be difficult to get disaggregated data around disability and other minority groups so often alternative sources have limited value. [Disability Rights RT]
- There was a significant discussion here because the issue of interviewing children came up and participants had strong views with most acknowledging that only trained experts should interview child survivors. One individual suggested that “children have good information and are being prevented from sharing it.” The dominant view was that only highly trained people should interview / document with child survivors. [ME RT]

3.2.5.4 Added Value Consideration

- Clarify the meaning of this so that it is also clear when translated to Arabic. [ME RT]
- As noted in point 9.a of this report, several consultees indicated that this point erroneously frames the documenter as the only one with the capacity to determine when there is value to add or not.

Consultant’s Note: *In order to address these concerns, perhaps we can add “including by consulting with survivors themselves or other local actors and survivors’ groups, whenever possible and appropriate” at the end of the first sentence of this point*

- In particular, a few consultees noted that for many survivors with whom they have worked, sometimes simply being able to share their story, be believes, and be heard in a manner that is respectful of their rights is an enormous added-value for survivors in and of itself, regardless of what is done with the documented information. [LatAm RT]
- One person noted that it is problematic that the investigating identity assigns value. The person themselves should be the primary decider of whether they see value in telling their story for a particular purpose.
- Three people agreed that legal advice should be given to the person to help them decide about participating.
- Funders and organisations doing research need to ensure that the value attached is focused on the person’s will and preference.
- One suggested wording: Before deciding whether to process, we will reflect honestly on what added value or benefit our work or actions can bring to the individual survivor and equip the survivor with the means to make an informed decision, including by seeking independent legal advice. We will only approach a survivor if there is a genuine, objective added value from our work. [Disability Rights RT]

3.2.5.5 Reducing Exposure:

- Participants did not find that the issue of trauma belonged under this principle and did not see the connection between this and the principle.
- Participants recommended moving this provision to a more relevant part of the Code.

Consultant’s Note: *It has relevance to various sections including Principle 7 as well as Actor Mapping in the interest of knowing what other actors are engaged in similar work, informed consent, and safe and ethical interview. While it is connected to the question of refraining from documenting unless there is value added, it might fit better with a provision where the focus is on survivor engagement specifically such as Principle 7, or an informed consent provision. Also, this would allow the survivor to*

decide whether she thinks it adds value and would empower her decision making, rather than making that decision for her. [ME RT]

5.5 Reducing Exposure and 5.8: Inform Survivors of Duplication Risks

- Two consultees noted that although point 5.8 also mentions the potential benefits of multiple interviews, the focus of points 5.5 and 5.8 is on the risks of multiple interviews, and suggest editing the titles and the content so that the focus is balanced on both benefits and risks.
- These consultees (a psychologist specialized in trauma, and an investigator specialized in SGVB) noted that for many of the survivors that they have met, multiple discussions with a well-trained documenter have been beneficial for them, allowing them to gain trust with the documenter.
- These consultees also commented that by focusing on risks, we propagate the view that a survivor's testimony is static and cannot be modified over time, and that if a survivor's story changes that necessarily indicates lying. They encouraged the MC to recognize and mention explicitly (in this point and/or elsewhere in the MC?) the fact that a survivor's testimony can (and often does) change depending on many considerations (e.g. who they are speaking with, how safe they feel, where they are in their process of healing and recovery).
- Another consultee added that the principle of avoiding multiple interviews is repeated perhaps too often throughout the MC, and that this could be counterproductive: documenters - wanting to respect the MC - may decline to contact a survivor who has already been interviewed, whereas this survivor may want to be re-interviewed (especially by a documenter who respects the principles of the MC). Perhaps sometimes the experience of a repeated (but constructive and respectful) interview, is better than just one interview that did not respect the survivor's needs and priorities and where there was no follow up.

Consultant's note: *The points that the consultees raised when we discussed the question of multiple interviews reminded me of what they had said elsewhere during the roundtables regarding giving more agency to survivors and being careful about appearing patronizing. I also feel that when we mention the potential risks of multiple interviews, we should aim to have our guidance be based on informed consent and allowing survivors to tell us, without coercion, if they would like to retell their story.* [LatAm RT]

3.2.5.6 Information Sharing

- One person highlighted that how this principle is relayed can be important, don't want to put pressure on someone to give their permission for information sharing if there is a threat of being approached or having to tell their story again to another party.
- Anonymising and confidentiality of the documents should be prioritised. [Disability Rights RT]

3.2.5.7 Prior Interviews

- Participants agreed with this provision and have taken steps to avoid this in their work, for example by having a cooperation protocol with other actors. Others were not sure how this would be determined, particularly where information is confidentially provided to a documenter.
- Provide additional guidance on how to do this without violating confidentiality in the Murad Code Tools.

Suggested Revision of 5.7 Prior Interviews: "We will take steps during preparation to find out whether a survivor has been interviewed before and make the effort to obtain and use existing records instead (if the survivor has agreed in order to maintain confidentiality). We will ask the survivor again before commencing any interview." [ME RT]

3.2.6 Principle 6: Systems, Competency and Continuity

3.2.6.1 Competencies, Skills and Attitudes

- In every roundtable the consultees mentioned the enormous impact that interpreters and intermediaries can have on the capacity to respect most of the commitments of the MC, especially those related to informed consent and communication. However, this point is the only place in the MC where interpreters and intermediaries are explicitly mentioned.
- Consultees noted that in many cases these individuals will not have all the competencies / training outlined in point 6.1, but that they are the only way to access and provide support to isolated and vulnerable survivors.
 - This is the case with some indigenous groups or communities in rural areas across the region that are linguistically, geographically, and socially isolated and often require an intermediary to access them.
 - For many indigenous groups, the only interpreters / intermediaries are often a survivor's family/community members, which deeply affects the dynamic of interaction with a survivor.
- Consultees wondered how we can engage with these survivors when we don't have the guarantee that interpreters and/or intermediaries have the necessary competencies, without risking leaving survivors from these communities alone and without support? [LatAm RT]
- All agreed that naming disability is necessary here.
- One suggested wording: These include expertise on age, gender, disability and other diversity considerations and sensitivity to those who face multiple and intersecting identities, the local context, international human rights standards, and ensuring a survivor-centered and trauma-informed approach. [Disability Rights RT]

3.2.6.2 Technical Guidelines and Standards

- One suggested that the research team will undertake to be familiar with referral pathways. [Disability Rights RT]

3.2.6.3 Limitations of Expertise

- The headline is unclear which may be a translation issue (Arabic). The participant understood the point was to be honest about boundaries and limits of our skills.
- Several participants wanted to see stronger language and a formal declaration.
- Rather than saying "we will be honest," include stronger language declaring that documenters will work within their boundaries and experience.

Suggested Revision of 6.3 Limitations of Expertise: "~~We will be honest about, and stay within,~~ agree to work within the boundaries of our skills and knowledge ~~understanding~~ of the context and engaging with survivors in an ethical and trauma informed manner. We will recognise our own capabilities and limitations." [ME RT]

- One consultee noted the importance of explicitly communicating with survivors about the limits of our expertise and knowledge, as this forms part of informed consent.
- A couple of consultees commented that documentation on CRSV in Latin America is often plagued by generalizations and stereotypes about victims, aggressors, contexts surrounding CRSV, etc. These consultees noted that such generalizations often stem from a documenter not realising that they have limited understanding and expertise, and thus it is important to encourage documenters to ask survivors questions to ensure that they have understand them correctly and are representing them appropriately in their documentation.

- On consultee recommended this point to be more explicit in reminding documenters that everyone has limits to their expertise, and even the most experienced documenter/interviewer can fall into the trap of generalizing or assuming, since there are many documenters with decades of experience who may believe that they are immune from such shortcomings. [LatAm RT]

3.2.6.4 Interviewing Child Survivors

- Several consultees mentioned that in Latin America there are numerous documenters with the limited resources and little access to training, but that they are often the only people with the necessary access and community trust to document the stories of survivors in certain communities. Consultees noted that in many places, there are no people with specialized training and experience in working with children. They noted that the MC implies that in such cases documenters should refuse to interview child survivors, and questioned whether it was not more appropriate to assess and mitigate the risks if child survivors insisted that they wanted to have their story documented.
 - There was no consensus on an answer to this, but a few consultees did highlight the fact that some child survivors (notably adolescents) are often less vulnerable / more resilient than adults and can decide with informed consent to share their stories. These consultees suggested that the MC take a less prescriptive approach and rather encourage the informed assessment of every particular case.
- (child rights specialist from Peru) suggested that instead of recommending a blanket prohibition on documenters who are not formally trained from speaking to child survivors, this point could be edited to say: “Any interviews conducted with children must be adapted to the particular needs of children and adolescents and the risks they may face” and to explicitly state that interviewers should apply the appropriate measures and safeguards (which are outlined in the many technical guidelines on engaging with children, some of which are mentioned in section 8, paragraph 62 of this report, and could be referenced in a footnote or annex). [LatAm RT]
- Reference children with disabilities.
- Two participants suggested having a separate point on ‘Interviewing persons with disabilities’. [Disability Rights RT]
- Some participants felt that the Code would be difficult to follow due to conflicts within the principles. This was reflected also in the previous consultations undertaken by IICI. Examples were cited throughout the discussion by participants. Participants echoed examples obtained by IICI in previous consultations. Three participants noted the conflict between Principle 6.4 and the right to participation. As noted in greater detail below, it was noted that the DMC would require an interview not to proceed where the individual documenter is untrained, and even where a child wishes to share his or her story. Participants felt that predictable conflicts should be reviewed and could be clearly addressed in the Commentary.
- Participants emphasised that children can participate in a number of ways and children can be engaged. Another tension identified within the DMC is its assumption that participating in an interview equates to child participation. One participant recommended that the DMC “spells out the tensions in the Code that don’t involve risks.” No further concrete recommendations were made in this regard to resolve such tensions aside from suggesting that IICI review the draft for “predictable” conflicts.
- *“There is an inherent tension between guidance that you cannot interview a child if you are not trained and children should be heard.” “We have to realise that all the instances in which this Code might be useful are instances where there are going to be tensions and ethical issues on the purpose of collecting information for children. There needs to be a point of entry into this discussion.”* [Child Rights RT]
- All participants underscored the need to place emphasis on Principles 6.1 and 6.4 which requires that only those with the necessary demonstrated skills, competencies and attitudes and

specialised training and experience working with children may interview child survivors. One participant emphasised that the greater the demands for expertise and specialised training the younger the child. Two participants recommended that the DMC include a reference to four years old as the youngest age at which a documenter should engage a child. One participant provided anecdotal experience of working with a child who was three years old. Another participant with experience in psychology noted that three years old is too young for any child to be engaged by documenters.

- Some participants referred to the benefits of using diagrams, drawings and dolls. One participant noted that drawings are not reliable when it comes to witnesses, with another participant disagreeing. Another participant noted that these methods can be harmful in cases where communities do not have dolls. Documenters should be aware that certain communities may not be exposed to anatomical drawings, and exposing children to the same should be avoided. Guidance should be provided to ensure that documenters refrain from requiring that children point to private parts.
- However, two participants noted that training may be challenging for people working outside of national jurisdictions where they may not have the resources or capacity. It was recommended that the need for specialised training must be balanced with a child's right to be heard (Article 12 UNCRC). It was noted that skills, competencies, attitudes, and experience may be just as important as specialised training. Therefore, it was asserted that the Code should acknowledge that we can dispense of specialised training where someone checks "all other boxes" (i.e. skills, competencies, experience, and attitudes). Participants also emphasised that the younger the child, the higher the threshold demands on expertise of the interviewer.
- Two participants felt that the DMC unfairly places the very difficult responsibility on the documenter to say no to conducting an interview. It was asserted that such decisions need to be made at a higher level, namely by those who bear this responsibility (e.g. organisation managers, high level delegations, donors, etc.). One participant noted that in many national jurisdictions there is not the "luxury of not interviewing children". It would be a disservice to children in cases where documenters fail to map out how one can engage a child where appropriate and necessary. *"Training is a privilege and a luxury. We are minimizing the ability to develop the capacity to have that skill if we say those who are untrained cannot interview children. If we do that, people who suffer are children."* *"This is a general problem in the Code from the child rights perspective. An image in the back of your head with an expert interviewer. That is an image that floats through our work which needs to be destroyed."* *"The expert needs the combination but cannot make up for institutional and organizational commitment. And a really committed organization cannot make up for the lack of expertise."* [Child Rights RT]
- Participants recommended that the DMC include a principle which ensures that unaccompanied and separated children (UASC) are not interviewed. This view is based on a number of factors, including the volatile situation in which UASC find themselves and their heightened vulnerabilities. It was asserted by three participants that interviewing UASC is not in their best interests. [Child Rights RT]
- Most participants recommended that **remote interviewing** of children should be used where appropriate and only in exceptional cases where there is no other way to interact with the child and the collection of information from the child is necessary, and only where it is in the child's best interest to do so. Participants who agreed that remote interviewing could be possible in exceptional circumstances, identified circumstances which could render remote interviewing necessary. For example, where there is no other source of information, where there is the likelihood that evidence might not be available later, i.e. where a child is terminally ill or where there is extreme trauma or where the information is so compelling that not collecting it would be a 'grave violation'.
- For those who agreed that remote interviewing was exceptional, remote screening was required as well as ensuring that children receive the appropriate psychosocial and other support in-person

(see also Principle 6.5). Experiences with remote monitoring in Syria were discussed, including various remote screening procedures which participants felt should include clinical psychological assessment, using the biopsychosocial assessment model and the exposure to war stress test and traumatic impact test.

- Only two participants viewed remote monitoring as beneficial, with one participant providing anecdotal evidence where the use of remote interviewing has led to better outcomes for teenagers. The participant noted that this was a result of the fact that adolescents may find it natural to communicate by mobile device and can better feel in control in these circumstances. This was postulated to be the result of reduced pressures in an online environment as opposed to the “the intensity of the real-life interview”. It is the consultant’s view that such anecdotal evidence be properly documented before relying on such assertions in the DMC or the Commentary. One participant emphasised the need to address underlying power dynamics which exist whether documentation occurs in person or online. Further research in this area is needed and documenters (perhaps in the Commentary) could be encouraged to document their experiences in relation to remote interviewing.
- *“Where you are going to interview children remotely, you must ensure that there is sufficient provision and support on the other side of the screen.”*
- *“It is amazing that we have all of these technological advancements during this period of Covid and all of this access. However, at the end of the day what I am seeing is a replication of the same power dynamics when it comes to child survivors. If we do not address the power dynamics which arise in all fora we are not going to get anywhere. If the language is traumatising, it’s traumatising whether the interview is online or in person.”* [Child Rights RT]

3.2.6.5 Confidentiality Protections

- One participant recommended that the DMC include that documenters will ensure that they clearly understand the circumstances under which information was sought when seeking information from another organisation/body (e.g. *“This is because you may not know how the other organisation took consent”*). Language around data management and record keeping should be strengthened however no concrete proposals were provided. [Child Rights RT]
- Informed choice must be supported by assisted decision making.
- All participants expected to see confidentiality provisions earlier in the document, suggested under Principle 2. This is a very important principle as managing sensitive, personal information is a core issue. [Disability Rights RT]
- Participants discussed that this was very important and that they had witnessed violations, particularly by journalists, and that stricter procedures were needed. They noted that people often asked journalists to change details (change name, location) and they did not commit to these requests.
- This appeared to be a big concern with respect to the media and several participants gave examples of problems and steps they took to try to address the risk of inappropriate documentation by journalists. One example was to always have lawyer present, in the case of an ongoing criminal trial.
- Have a specific charter for journalists. Another recommendation is to have an advocate or lawyer present during media interviews since there does not appear to be any way to enforce ethical practices. Therefore, a recommendation could be specifically to have an advocate present to ensure survivors’ rights are protected.

Suggested Revision of 6.6 Limitations: “We will strengthen or put in place confidentiality protocols and measures to protect the survivor’s information and data, including taking care to ensure the security of any online communications, data management and storage. This is subject to the survivor’s express and specific informed choices about who to share the information with, and any potential legal and other limitations to confidentiality which may apply. In situations where there is little or no

accountability, such as in a media context, we will strive to have a survivor advocate present during such interactions to protect the rights of survivors.” [ME RT]

3.2.7 Principle 7: Respectful and Safe Interviews

- Overall participants had positive feedback about Principle 7 which addresses key elements of how to ethically engage with survivors. Participants’ recommendations focused primarily on what they believed was missing, rather than existing content which they found useful. [ME RT]

Consultant’s Note: *There is significant overlap between Principles 2 and 7, and it could be worth evaluating whether these should be partially or fully integrated.*

- Some additional elements that participants wanted to see added include:
 - Take into consideration the gender of documenter and whether survivors can and should have choices.
 - Gender and spoken dialect of interpreters to ensure they communicate in the survivor’s dialect and that a female interpreter is available for female survivors. Also, it is important to consider whether it is preferable to have an interpreter from the same community as the survivor.
 - It is important point when we conduct an interview– the process of conducting the interview – from welcoming the person, to your posture, how you sit, body language, gestures, removing any boundaries in the room.
 - Explain the rights of the survivors in every single interview and that they own the process, and they have the right to leave the room, pause, and decide whether to answer questions. These rights should be revisited as needed throughout the interview process because survivors may be reluctant to speak up.

Consultant’s Note: *Recommend a provision about obtaining informed consent prior to starting the interview, ensuring the survivor understands her rights. Recommend that the documenter should see the interview as an opportunity to empower the survivor, particularly as they are informed of and encouraged to exercise their rights during and after the interview. Recommend explicitly addressing issues of taking photographs, video, and voice recording of survivors as part of documentation and as part of obtaining informed consent, with specific agreement on how to handle this with child survivors. This is such an important issue and the rights and safety as well as dignity of survivors have been repeatedly violated by such documentation, and it is surprising to find no mention of this in the DMC. Additionally, this should include guidance on taking steps to hide a survivors’ identity, ensuring that first the person fully understands and agrees to this, and second that her identity is truly impossible to identify as in many cases these efforts to blur faces still reveal identifying details.* [ME RT]

- Several consultees noted that any interview should begin with ensuring informed consent, and that if this Principle of the MC is going to include the pillars of safe and respectful interviews, that it is central to include this, even though the principle of informed consent applies to more than just the interview process. [LatAm RT]

3.2.7.1 Assess before Approach

- Three people suggested clarity is needed on the type of questions for interviewees that will be asked as part of this assessment. [Disability Rights RT]
- Principle 7.1 (Assess before Approach): One participant noted that it was unclear which commitments the DMC considers to be “core commitments”. [Child Rights RT]

3.2.7.2 Trauma-Sensitivity

One suggested wording: Should include knowing the existing referral system for protection/health care/psychosocial support. If there is not an official one – they should explore what is available locally and standard practice for these referrals in the local setting, including as mentioned above, civil society

organizations supporting diverse populations i.e. people with a disability, sex workers, drug users etc. [Disability Rights RT]

3.2.7.3 Dignity and Respect

- Often there is more understanding and empathy for women who are victims of sexual violence and whose disability is acquired during conflict than for disabled women whose origin of disability is not conflict related.
- One suggested wording: We will treat survivors with dignity and respect and as human beings who have rights (...) and utilize respectful and non-discriminatory communication that does not reinforce stigma. [Disability Rights RT]

3.2.7.4 Screening

- Include reference to reasonable accommodations to enable participation. The accompanying document can give examples of reasonable accommodations.
- It is important to have disabled people's experiences of sexual violence in conflict captured so don't consider disability to be an eliminating factor in and of itself. [Disability Rights RT]

7.4 Screening and 7.6 Fair and Accurate Representation

- Concerns flagged to check translation in Arabic. [ME RT]

3.2.7.5 Being Understood

- One participant recommended that this principle should include a reference to children's accounts having veracity and the need for documenters to respect their words and ideas the same way that you would respect the words of an adult. While it does specify "age" in the principle, participants generally agreed that it would be important to emphasise the need for documenters to undertake a child-sensitive approach. It is noteworthy that participants agreed that the term "child-sensitive" is the terminology which is currently in use. It was noted that although child-friendly is sometimes used by practitioners, child-sensitive was seen by participants as comprising children's rights and interests while balancing them against other interests. It also requires that documents act in a child-sensitive fashion in their interactions with children but also think about the child in a child-sensitive manner. This, according to one participant, includes having an understanding of a child's memory, development, and language development, etc. [Child Rights RT]
- Use Art 2 UNCRPD text to guide this.
- Not everyone uses 'language' so replace with 'means/methods of communication'. Use disability, not ability.

Consultant Note: Suggest directing from this principle to accompanying document for examples of disability accessible communication formats. [Disability Rights RT]

- A couple of consultees warned that this point could contribute to the patronizing of survivors by documenters. Notably the consultees who are themselves survivors noted that there is often a tendency to infantilize survivors and assume that they don't understand, especially if the survivor comes from a different socio-economic, cultural, or linguistic background than the documenter. Consultees agreed that point 7.5 is very important, but just to be aware about how it is phrased.
- One consultee also commented that we should remind documenters to inform themselves about terminology, euphemisms, slang, linked to the survivor's culture, age, etc. to facilitate clear and comfortable communication between the documenter and the survivor. [LatAm RT]

3.2.7.6 Fair and Accurate Representation

- A couple of consultees noted that there is no explicit guidance for documenters to allow survivors to review the transcript of an interview or final publication if they wish, in order to ensure that they have been properly quoted / represented.
- One consultee who is also a survivor shared that she and other survivors have often been misquoted, or they have seen documenters interpret what they what to hear according to their own priorities. [LatAm RT]
- Rephrase this so the choice is the survivors about how to communicate.

Consultant's Note: *'We will support the survivor to communicate in a manner which is accessible and appropriate for them to enable them to accurately relay what they wish to report.'* [Disability Rights RT]

3.2.7.7 Safe Interview Structure

- A few participants suggested editing this section to be clearer on respecting boundaries of sexual violence victims. For example, sometimes investigators dig deeply into unnecessary details of sexual violence, which causes more trauma to the victim. One participant offered specific word edits that are noted and highlighted in the recommendations section below. Another participant noted that the Code should offer the World Health Organization (WHO) guidelines on interviewing sexual violence victims as an annex resource and that some of the language from the guidelines could be referred to elsewhere in the Code.
- For example, the WHO guidelines make clear that sexual violence victims should not be interviewed unless that interview is further supporting their case. This is interpreted broadly but the takeaway is that folks like journalists should not be interviewing sexual violence victims (who do not come forward and are sought out) solely for the purposes of writing an article. The participant suggested reviewing the WHO guidelines to see if there are other provisions that could be noted in the Code and also including a note somewhere in the Code that explains how interviewing SV victims should be taken seriously and only done within the scope permitted by the WHO or other governing document.
- Consider editing this section to be clearer on respecting boundaries of sexual violence victims.
- Suggested language change: "We will ensure that our interview has a safe, sensitive structure. We will seek to contextualise sexual violence against wider experiences, and will not seek to obtain the information as to the nature of the attack without fixating on the explicit or graphic details of the sexual violence. probe or extract solely the explicit or graphic details of sexual violence from a survivor—or other unnecessary, sensitive information. We will also be careful not to report sexual violence in that way."
- Consider reviewing the WHO guidelines to see if there are other provisions that could be noted in the Code and also including a note somewhere in the Code that explains how interviewing SV victims should be taken seriously and only done within the scope permitted by the WHO or other governing document. [LGBTIQ Rights RT]

3.2.7.8 Open Questions

- The code should extend to interpreters/translators.

Consultant Note: *The wording excludes people using other forms of communication such as sign language, consider including 'phrasing' or 'structuring' of questions. If the interviewer doesn't know sign language, or the language being spoken, it is difficult for them to know if what they are saying is being relayed as carefully.* [Disability Rights RT]

- One participant pointed out how important it is to ensure survivors being interviewed are not made to feel as if they are in an interrogation, noting there are advantages and disadvantages to open ended questions.
- The below recommendations could be considered as part of the Murad Code tools giving practical guidance.

- Regarding the tone, a participant suggested clarifying what to avoid, including being aggressive, judgmental, or in any way blaming the survivor.

Consultant’s Note: *Frame questions before starting into a set of questions to explain to survivors why you are asking these questions, reminding them of their right to decide whether to answer questions and to take a break.* [ME RT]

- Consultees with extensive interviewing experience (academic, investigator, psychologist) strongly suggest being careful with being too prescriptive or specific regarding methodological approaches in this section. Appropriate interview methodology can vary in different contexts and with different survivors. Consultees therefore suggested keeping these methodological points as suggestions or reminders, not prescriptions, notably:
 - Although consultees acknowledged their preference for open questions, one consultee notes that sometimes a well-formulated closed question can be helpful in an interview, and thus suggested to keep this point as general advice, and not to edit it to make it any more prescriptive. [LatAm RT]

3.2.7.9 Safe Closure

- One consultee recommended removing “bring the survivor back to the present time”, since this may not be the best approach with all survivors. (e.g. the present time may be a particular difficult and stressful moment for some people), and instead to keep a general point here about safe closure and ensuring to end the interview in a safe and appropriate manner. [LatAm RT]
- A few participants flagged the need for interviewers to also to interviewees that they may stop or pause the interview or even terminate the interview at anytime during the interview. Acknowledging this and also looking for signs on when it may be good to stop (or ask the interviewee if they would like to take a break or terminate the interview) is also important. An interviewee may signal the need to stop and it the responsibility of the interviewer to be cognizant of these signs, taking into consideration the inherent power dynamic between interviewer and interviewee.
- An interviewer may also need to evaluate, during the interview whether the interviewee may be experiencing secondary trauma in telling or retelling their story. On the other hand, it may be the telling of the experience is helpful or cathartic for the victim. In either event, it should be noted the importance and the responsibility of the interviewer to stay cognizant of such an analysis, keeping an eye for signs and clues during an interview process that may inform on the interviewees experience.
- Consider noting that interviewees may stop or pause the interview or even terminate the interview at anytime during the interview and should be informed of such right. Consider adding an additional bullet point noting the interviewer’s responsibility to look for signs of when an interviewee may need to stop or terminate an interview. [LGBTIQ Rights RT]
- Three participants want safe referral mechanisms to be included in this principle, and ensuring that those referrals are accessible to the survivor. [Disability Rights RT]
- A participant noted that safe closure of interviews is very important, and many organizations do not do this. [ME RT]

3.2.8 Principle 8: Integrity and Responsibility

3.2.8.1 Non-Stigmatising

- Two consultees noted that one source of stigmatisation that is almost never acknowledged is the fact that survivors are often discredited and stigmatised if their story changes over time, and they

felt that this often overlooked stigma should be mentioned in the MC (either in this point or elsewhere).

- These consultees (sociologist and psychologist) confirmed that CRSV survivors (along with survivors of other particularly traumatic and/or stigmatizing crimes) are particularly prone to having their testimonies evolve and change over time, due to many legitimate reasons. However, common social and legal practice demands that testimonies remain consistent in order to be considered truthful, and does not take into account the effects of trauma, stigma, fear, and culture on a survivor's willingness and ability to provide a complete account of their experience. [LatAm]
- Include voice as this can interpret stigma from blind people.
- Suggestion to replace 'words, body language or actions' with 'through any communication' [Disability Rights RT]

3.2.8.2 Non-Exploitative

- The meaning is clear in Arabic, but one participant suggested it is grammatically incorrect. [ME RT]

3.2.8.3 Trustworthiness

- Participants acknowledged that making promises one cannot keep is a significant problem, and that documenters should not make any promises whatsoever. They acknowledged that even where they are confident something will happen or they can take an action, the situation can change, and they will lose the trust of the survivor.
- Change the language so that documenters agree not to make any promises, since this will set up expectations and there is always a risk that a promise cannot be kept.
Suggested Revision of 8.4 Trustworthiness: "We recognise the importance of trust. We will not make any promises even if we believe we can keep them, because the situation may change and we will lose the trust of survivors. ~~we are unlikely or unable to keep. We will follow through on any promise we make to survivors.~~" [ME RT]

3.2.8.4 Access to Justice

- Consider reflecting UNDESA Principles on Access to Justice, including recognition of legal capacity, accessibility, reasonable accommodations, the right to legal assistance, to participate in justice mechanisms. For more see 'International Principles and Guidelines on Access to Justice for Persons with Disabilities' at p12 <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/10/Access-to-Justice-EN.pdf>
- The roundtable group suggested that the access to justice should be extended to human rights protectors and others such as translators or supporters who have facilitated the research taking place.
- One suggested wording: "We recognize that records or reports of interviews may be used against survivors but that we will not knowingly undertake an interview where a survivors access to justice could be compromised." [Disability Rights RT]
- Some consultees felt that the focus on justice in the title and the text of this points demonstrates a bias towards this right and a lack of recognition of other important rights, as noted elsewhere in this report.
- One consultee suggested rephrasing the title of this point to "Access to Rights" to broaden the focus. [LatAm RT]

3.2.8.5 No Contamination/Loss of Evidence

- One participant noted a concern with cyber security. Information can be hacked and interviewers need to be more rigorous than average in how electronic data is handled and shared with others. The need for transparency with interviewees on how information is shared and taking proactive

measures to share with them the next steps for what is going to happen with the sensitive information they may have shared. While there is another section that addresses digital security, the participant felt it would be useful to also address it in this section as well.

- Consider noting cyber security concerns and the need for a rigorous approach to how electronic data is handled and shared with others. Also, consider noting the need for transparency with interviewees on how their information is shared. [LGBTIQ Rights RT]

3.2.8.6 Complaints and Accountability

- One participant pointed out how this section mentions accountability but does not include anything about what happens if the Code is breached. The participant felt there should be clearly outlined consequences if the Code is breached. If not in terms of holding the investigator accountable, which it was agreed may be outside the scope of the Code, then at least in terms of irreparable damage that could come to a victim, her family or even community if the Code is breached.
- Consider noting what happens if the Code is breached. [LGBTIQ Rights RT]
- Other questions raised related to Principle 8 and what an accessible, safe and confidential feedback mechanism would look like? Who will monitor and react to breaches of the code?
- An accessible complaints mechanism should be available. There should be reference to what entity will decide if the code is implemented. [Disability Rights RT]

3.3 Application of the Code to open-source investigations and information gathering indirect from survivors (“OSINT”)

[Initial consultations with 5 OSINT experts and practitioners. This is a summary of the main discussion points and issues raised.]

3.3.1 Application of the Code to OSINT and information gathered from open sources

- It is currently unclear with the DMC whether it has been designed and is intended to apply to information which is not obtained directly through interviews with survivors. This information would include e.g. open source information (e.g. posted or otherwise available publicly or online, by survivors, NGOs, activists, journalists, etc.) including readily available information and other information which is available when you have the right technology or niche skills to find and access it online, and information offered or received from third parties, etc. There are big distinctions in different sources of information.
 1. open publicly available such that an average member of the public could access *[Noting that it may have a limited audience or range of interest, which further use could amplify or make mainstream. E.g. a small post on a Facebook profile that only 10 people have viewed, could turn into a video that goes viral once used or profiled further.]*
 2. more restricted information that takes skills and technology to access. *[Not publicly available]*
 3. information offered or received from others who have collected it. *[Not publicly available]*
- Some people do not recognise the harm in collecting and using publicly available information but there are still privacy rights issues and still considerable harm and distress from further use and amplification/broader dissemination and use. Storing and using this information “can hurt in an immense way”. One example was when the publicity and pressure caused a survivor to publicly recant their account which ended their legal claims.

- There are informed consent issues - from the intended use initially or even whether the publisher had informed consent in the first place.
- There are also questions of reliability and verification for open source information including probative value.
- There is little guidance specifically on CRSV/SGBV information in open source investigations - the Berkeley Protocol having application to all forms of crimes, and Witness has or is releasing some video documentation/CRSV guidance.
- Something is really needed - the question is whether the Code can provide some universal safety and ethical guidance which can then be applied to the specifics of open source investigations. All experts and practitioners consulted unanimously requested that the WMC address and extend to open source investigations using survivor information. One expert stated that the language in the Code is incredibly important as a hook and handle for OSINT to start engaging on these ethical and safety issues. It's a potentially really helpful tool.
- Several experts expressed the view that the WMC could be adapted in small ways to meet the need:
 1. acknowledge that the Code applies and that this information -however sourced directly or indirectly can harm survivors and their rights. [And to confirm it also applies to remote and online interactions with survivors "*whether in person or across the digital space*"],
 2. Ensure and make explicit reference to digital information and material- such as images, video, etc.
 3. in the commentary, could tackle informed consent in this context
 4. could trigger a much needed consultative process on ethical principles and decision-making
- Those consulted also believed that the Commentary which accompanied the Code was also an opportunity to tackle the details and specific application of ethical and safety issues of OSINT re CRSV as well.

3.3.2 Some issues specific to OSINT

Consent and intention

- It is hard to verify consent for published material - you don't know if the uploader had direct contact with the victim, what information was provided, and what consent in what form was given. How do you verify that consent for a victim? Is it safe and ethical to contact them, when that contact could do them harm?
- Can you collect and preserve this, without verification of consent? Or do you ignore publicly available information that potentially has investigative lead or probative value?
- Often OSINT investigators are former journalists who value 'transparency' and 'public interest' highly - often that justification is used where there are risks of individuals or questions around consent.
- [There is a team of researchers looking into informed consent and open source material OSINT consider who posted it, and why - their will and intent for initial sharing/posting, implication of others rights

Verification and source analysis

- As a double edged sword - as this can suggest that corroboration is required for survivor accounts. It has also escalated what the public need to 'believe' something - given the amount of dis and mis information circulating. Often now there is an expectation of 'visual proof' (rather than headlines) which drives more video recording and posting.

- Super important as part of source ID, risk assessment, informed consent, verification (integrity, non-manipulation)

Lack of preparation and expertise

- There is little recognition of these issues or preparation in advance of starting OSINT work that recognises these issues and the specificities of CRSV material.
- The cross over between gender and intersectional expertise and OSINT is limited.
- At present there is [unconscious incompetence] and harm with a lack of awareness, lack of training and lack of procedures/safe and ethical methodology.
- There is a real need for training and specialised competencies particularly in investigation planning and landscape analysis - including gender analysis as part of that. To date, there has been a bit of 'old school' pushback on that side.

Representativity and bias in searches/investigators

- What you can access online is not representative - what is available is influenced by stigma, taboo, security and safety, censoring. It also depends on the search terms and what the investigator sees or understands from what the results are. Often experienced OSINT investigators say they don't see SGBV in the material they find and access. There is a risk of perpetuated invisibilization due to the lack of awareness and recognition.
- Example of male CRSV used - often using feminine pronouns in language and information. Bias to assume men not victims, so don't look or don't search. Assumptions in searches and content.
- But it's common - examples include uploaded testimonies, images and videos of injuries, media reports, etc.

3.4 Appropriate communications

- One expert commented on how important this was over digital spaces - language in online spaces can be very different and cultural differences and terminology gaps more likely.
- Feminisation of language around CRSV and impact on male survivors or CRSV.

'Gamification' or desensitization risks

- Given the online and remote nature of the work, there are greater risks of depersonalisation and disconnecting from the human aspects. There can be an emotional detachment in working in that space/medium. Investigators can stop seeing the real people involved and there is a high risk of extractive practices and decision-making.

Ongoing conversation and evolving norms

- These standards and application of ethics to this space is evolving.
- Without a set of norms, each organisation is adopting its own methods and criteria for decision-making.
- Prosecutors are having to make decisions to use or not - often this type of sourced material can be emotive and persuasive.
- What are the decision points? Are there risk assessments being used? It would be good to have decision-making matrices especially around informed consent. Principle 5 add value or don't do it could be part of that.
- What about stigma, retaliation and safety
- What if you are putting it to different use than intended, what is you are amplifying it.
- Where do we set minimum standards in this space of emerging norms?
- One expert stressed the importance of changing the message to - if you have any doubts about risks, safety, ethics, rights, then don't do it. Just because it is in the public domain or offered, it doesn't mean that you have to use it.