



SUMMARY OF FEEDBACK RECEIVED ON THE DRAFT MURAD CODE (13 April 2022)

In June 2020, a draft Murad Code (“DMC”) was published for consultation and feedback. Since then IICI has welcomed written feedback submitted by email and through the website, conducted focal groups and 1:1 meetings with survivors and practitioners, held roundtables with thematic and regional focus and engaged small groups of experts on specific aspects, such as remote interviewing and open-source investigation. Full details of outreach and consultation processes are provided on the Murad Code Project (“MCP”) website at www.muradcode.com.

This document is an attempt to summarise the feedback and insights gained in that extensive consultation process. A “Collated main feedback on the draft Murad Code of June 2020” (without attribution) (“Collated Feedback”) is available on the Murad Code Project website for those who wish to look at the specific feedback on draft Code provisions in detail. It stands at approximately 220 pages of comments, annotations and edits to the draft Code. For those just wishing a snapshot of the most salient or frequently offered feedback, we have summarised the feedback received below.

This summary includes the positive and negative feedback received. Both kinds are important, insightful 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 MCP.

While the feedback received was, in the most part, very complementary and enthusiastic about both the need for a Code and its draft content, there were a few equally valuable voices which were critical of the approach of a Code and some questions about how it had been drafted and constructed. We have tried to ensure this summary accurately captures those criticisms and concerns. If readers feel, after reviewing the unabridged version, that additional points should have more attention or prominence in this summary, please feel free to contact us. We would welcome further feedback. We believe this will allow us to tackle the hardest issues together and hopefully to build even greater consensus supporting the Code as it moves forward into further piloting, implementation and working phases. We are grateful for all the commentary we received.

This summary is divided into three parts:

- A. Summary of feedback from the consultation phase of June 2020-March 2021.
- B. Summary of feedback on thematic and regional roundtables of September–December 2021.
- C. Summary of feedback on open-source investigations of November- December 2021.

i. *By theme*

A code of conduct is not the solution to some critical problems: Two intersecting groups expressed their concern that the Code will not in itself solve the most critical problems and harms facing survivors (which require institutional, communal and structural changes as well as individual behaviour change), and that the existence of the Code might eliminate or reduce the space for alternative solutions and initiatives. Both groups agreed with the fundamental concerns which prompted the MCP - that insensitive, reckless, exploitative, unnecessarily duplicative practices were harming and re-traumatising survivors.

The scope and application of the Code: a wealth of feedback was received on the scope and application of the Code, including whether the Code should only apply for survivors of “CRSV” or whether a wider framing would have advantages. In addition, commentators discussed the pros and cons of who the target audience for the Code should be – whether it should be narrowly focused on ‘justice actors’ or those collecting information for the purposes of justice, or whether a broader multi-sectoral approach would better address the common problems facing survivors.

(a) Which crimes?

We have very briefly summarised feedback supporting a broader application to crimes or human rights violations beyond conflict-related sexual violence (“CRSV”) and feedback supporting a narrow focus on CRSV only. As explained above, the full feedback can be explored in the Collated Feedback on the website.

Arguments for a broad approach, applying the Code beyond just CRSV

- 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 cause trauma and require the same sensitivities/trauma-informed approach with survivors.
- c. The general survivor-centred principles 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 prioritised. Could it not create an arbitrary denial of other survivors’ rights?
- d. A narrow focus could aggravate the ‘othering’ of CRSV 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 other crimes being ignored since they don't fit into this category?
- f. A broad approach also reinforces the contextualisation 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 seen as a specialist subject? Most go looking for information about broader crimes/ human rights violations (“HRV”) – how can we rule them in and capture mainstreaming and unexpected disclosure (DMC 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 ones only some actors make in terms of response/responding authorities/mandated authorities/actors? 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, focusing the Code on CRSV only

- 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.

In addition, many commentators highlighted the difficulty with varying definitions of CRSV, most urging a broad inclusive definition. Some feedback also emphasised the commonalities with other crimes such as sex trafficking, sexual abuse and exploitation ("SEA") in conflict/crisis settings and within institutions including the military. Critically, CRSV forms part of a continuum of gendered violence (before and after conflict). With these points in mind, some noted how these definitions often do not make sense for survivors for whom the distinction may not have obvious relevance. The distinctions arise from different jurisdictions, differing investigating authorities, but from a survivor-centred approach, it should not matter in terms of a survivor's rights, including their safety and dignity.

(b) What kinds of actions or practice should the Code cover (collection, sharing, use, publication, etc.)

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)?' Commentators 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, e.g. justice-oriented but at the same time e.g. 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."

Commentators stressed the importance of using a broad definition of justice, and recognizing that different survivors prioritise different forms of justice, and that for some survivors, criminal accountability is not important.

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 processes, such as for example in criminal justice, when prosecutors and judges get involved.

(c) Which actors/discipline/sectors or purposes?

Like other parts, this is a very brief summary of rich and varied input in relation to the target audience for the Code.

Arguments for broader approach

- a. The underlying principles in the Code apply to all actors. Many of them can be found in multiple and varying guidelines and standards which exist in different sectors, and in reforms which are being made for many national authorities and actors.
- b. The problems and issues identified are not restricted to one set of actors. There was considerable feedback which listed many different sectors and actors to whom the Code should apply. The list of recommended actors was very long, from first responders onwards.
- c. There is a dire need for a universal language and way to address the problem across sectors in a multi-sectoral way, which is currently missing. The silo-ed approach and lack of mutual agreed core standards prevents coordination and trans-sector collaboration or responses to tackle these problems when they arise. *“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.”*
- d. A truly survivor-centred approach reflects that for a survivor – their rights and what interactions with them should be like – the actor or sector should not matter from the point of view of fundamental rights and principles which are survivor-centred.
- e. Under these principles, each sector or institution within that sector can have more technical detailed policies and operating procedures in line with these principles. The planned “Commentary to the Code” (or a “practice guidance” which will further unpack and illustrate the implementation of the Code) can also provide more practical operating examples of practice across sectors, types of contexts and for those with heightened vulnerabilities. Community-based organisations and actors can also operationalize these principles for their context into shared agreed practices.

Arguments for narrower approach

- a. Different actors have different methodology, terminology and technical needs. Different rules must apply.
- b. A few commentators offered that the Code cannot apply equally to all actors in all roles at all stages in varying proximity to the survivors. The importance of adding provisions on role clarity was emphasised by a few commentators. One or two suggested an annex or to apply different part of the Code to different stages or roles.
- c. A wide application carries the risk that ‘documentation’ is seen as ‘everyone’s business’ and a licence to document or interview survivors.

- d. A narrow target audience also avoids any confusion as to role.
- e. Danger in trying to be all things to everyone – the broader the audience the more it loses specificity/feels abstract.
- f. Developers of the Code must have professional legitimacy in the sector they are developing the Code for. In this case, it was criminal justice actors so that should be that target audience. IICI, NI and PSVI are not leaders in other fields or sectors – guidance for other sectors needs to come from a trusted source and this will be different for each sector.
- g. Importantly, one commentator noted that not all actors will feel sufficiently engaged or feel that it applies to them and so will either define themselves out or may just ignore the Code.
- h. It's harder to deliver in the implementation phase if it applies to everyone.

A few commentators also noted that the Code should apply to survivors as self-documenters and survivors who document collectively or for other survivors. Consideration of this is needed before the review of the DMC.

Many highlighted the importance of having a clearly pronounced target audience. Some also warned that the language/tone of the Code may inadvertently suggest one target audience, while the intention was a more general audience – see below for more detail on this drafting point.

Some suggested a phased approach, starting narrow but broadening over time as it grows or organically seeds and gets used in other sectors. [*Note from IICI: we have already seen considerable interest in the Code outside the initial parameters and scope envisaged.*]

The long title should reflect any decision on scope and application.

Institutionalisation of the Code: A central concern was raised by two intersecting groups 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.

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 commentator 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.

We also received feedback of existing internal institutional use of the 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 contribution 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 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.”*

Balance, Language, Tone and Lay-Out: Some commentators provided very helpful insights into some inadvertent implications or tonal issues of the wording and language used in the draft Code, which were not in keeping with the underlying intention. We also received contrasting feedback on whether the draft struck the right balance on certain issues. Feedback highlighted:

- *Finding the right balance between* (i) survivors' rights and other rightsholders (feedback pulled in both directions), (ii) core fundamental principles v. aspirational/best practice standards, and (iii) level of distillation of principles v. technical or operational detail, specificity, and practical 'how to'.
- *International v. community-based actors:* ensuring that the Code speaks to all types of actors and does not imply that only international actors are the problem, or have ownership or the sole mandate in terms of documentation. [IICI Note: This arose from multiple soundings which highlighted the multiple issues from remote actors flying into and back out of contexts for short periods on 'interview missions'. These soundings also emphasised the importance to survivors of sustained trusted community-based holistic systems.]
- *Use of "local" when community-based might be more appropriate.*
- *Use of "we"/"our" – ensure inclusiveness and tone.* Ensure recognition of survivor-survivor or self-documentation, and that applies equally to community-based actors and those outside that location. It was noted by a few commentators that at times in the draft, some of the core commitments read as condescending or paternalistic, and may not reflected the intended survivor-centred approach.
- *Lay-out and structure:* mostly positive input, but some suggestions of reordering.
- *Concern on over-reliance on self-assessment/subjective views and self-reflection, rather than peer or external review or objective criteria.*
- *A further simplification of terminology:* should be even simpler and more accessible.
- *Consistent terminology on intersectional factors* (DMC 1.1, etc.)
- *Language of obligations/commitment v. permissive or discretionary.* Some commentators asked for the Code to be clearer on what is not permitted, and when documentation should not occur.

Unintended risks: We specifically asked commentators to consider and provide feedback on any unintended risks which might arise from the existence and application of the Code. We have included a very short summary here. More detailed feedback is included in the Collated Feedback.

Addressing resource and power disparities and imbalances: Importantly, commentators noted the resource disparity which exists between actors and stressed that the Code requires resources (a competent team, systems, knowledge, information, time, money, etc.) to implement. Firstly, they asked that the Code explicitly acknowledge that, and call for resourcing where it is needed. Second, commentators urged prioritisation of support around the Code to target resource-scarce, power differential impacted community-based actors (survivor networks, and women's and SGBV organisations). There was also a call for the Commentary to provide practical, creative resource-scarce methods and examples to help counter resource disparities.

Misinterpreted as a licence for everyone who has read the Code to collect information: Several commentators expressed similar concerns that the Code might encourage, rather than discourage 'documentation' work. They requested more explicit messaging or emphasis on training and demonstrated competency before attempting this work. A few worried about the Code might give a false sense of confidence and competency, after self-judging compliance with the Code.

Discouraging or restricting forms of documentation: Conversely, a contrary concern was voiced that the Code might discourage documentation where there were concerns around expertise, resources or conflicting ethical or legal obligations, or might silence alternative or innovative ways of 'documentation'. One way to mitigate this would be the prioritisation of support to those in need or engagement with actors working with alternative methods. Fear of doing harm might deter a lot of good work.

Effect outside the boundaries of application: one commentator worried that wherever the scope and boundaries of the Code were set, it could send a message to survivors of crimes outside the Code that what happened to them is less important or that they are less deserving of a survivor-centred approach.

The draft Code permits and accepts the privatisation and commercialisation of criminal investigation by private international actors in this space, by not explicitly rejecting or prohibiting work by international private/commercial organisations.

ii. Summary of feedback per DMC principle

Missing, emphasising or strengthening provisions: The following list summarises the main suggestions for strengthening or additional emphasis in the Code.

- *More clarity on how the Code fits with existing standards and guidelines.*
- *Emphasise the weight of responsibility on information collectors/documenter in relation to this work.*
- *More survivor-centred and a clearer headline emphasis on survivor autonomy and agency.*
- *More on gender analysis and perspectives, and an explicit recognition that it disproportionately affects women and girls.*
- *Emphasise those with heightened vulnerabilities more and ensure the Code meets the needs of diverse and marginalised survivors such as persons from LGBTQI+ communities, children (including strengthening and developing DMC 6.4), people with disabilities, men and boys, as well as the intersecting experiences of women and girls.*
- *More on the importance of self-motivated documentation and the distinction between that and sought/elicited disclosure where much of the harm is done. And more on the weight of responsibility on anyone seeking information, about over-focusing on and over-burdening individual survivors who are not necessarily self-motivated disclosers, consider alternative sources and other witnesses.*
- *Recognition of survivor-survivor documentation, and its unique parameters, benefits and risks.*
- *Recognition of different roles of different actors at different stages.*
- *More on safety, security, protection, reprisals/retaliation and revictimisation, and recognition of the radiating and collective harm of CRSV beyond survivors.*
- *More on stigma.*
- *More on the use, sharing and publication of information collected.*
- *The importance of victim advocates and neutral legal representation for survivors, particularly when their rights may be impacted.*
- *Address remote documentation, documentation in group settings, and some other critical issues.*

- *Emphasise the effectiveness point more – that the Code provisions not only make the work safer and more ethical, but also more effective.*

Principle 1: Survivors as individuals – recommendations included:

- Reorder (and reword) to emphasise principles about survivor autonomy, agency, ownership and priorities as the starting point. Highlight the resilience and strength of survivors. Include survivor self-identification. Include provisions on types of disclosure, emphasising importance of self-motivated and survivor-led disclosure. Commentators stressed how critical informed consent is as a starting point to empowerment and rights. Some asked to strengthen the wording and for more detailed unpacking of this principle in the Code (rather than leaving this to the Commentary), and should explicit refer to the withdrawal of consent. Many stressed the importance of tackling power imbalances and for specific guidance on how to do that (Commentary). Some commentators asked for a clearer provision on providing clear, honest and realistic information to manage expectations (too late in DMC 8.3).
- It is important to distinguish between things an information collector should do in general preparation/planning stage (which can be informed by community-based experts/survivor networks, etc.), and then the survivor-led process once engagement with an individual survivor. This again includes building in flexibility in the planning stage to facilitate and respect survivor choices and options in any individual engagement (see also Principle 4).
- Tackle language and tone issues to remove any sense of ‘us-them’/condescension. Include something about not making assumptions about who or how a survivor/victim should be.
- Ensure full and consistent terminology on intersectional factors, some key ones inadvertently missing, race, SOGIESC throughout Code (See also DMC 3.2, etc). Find way to be inclusive but not excessively long in these lists. Mention intersectionality (and a simple explanation) explicitly. Survivors themselves mentioned the additional intersecting burden of the pandemic. Recognise past traumas of individual survivors.
- The importance and imperative of ‘do no harm’ captured in DMC 1.3 Prioritising Survivors. More emphasis on safety. Add something more specific or a separate provision on ‘do no harm’.
- Strengthen and reflect more on heightened vulnerabilities, not just belonging to marginalised groups, also intersectional and situational. Some commentators suggested adding example or a list. Others asked for a focus on vulnerability assessments/recognition. There was also a repeated request for more guidance on specific precautions and measures for certain groups or certain vulnerabilities – some of which could be in the Commentary, but a review of the draft Code with this in mind would be beneficial to add expand core commitments. This review should include LGBTQI/SOGIESC, children/adolescents/elderly, persons with (dis)abilities, for example.

Principle 2: Time and space – recommendations included:

Additional core commitments were recommended for this Principle, particularly emerging from survivor consultations, which included:

- safety, stigma, revictimisation, retaliation (see comments above)
- more explicit provisions on trust and trust-building (see also DMC 8.4 on trustworthiness)
- add specific reference to asking the survivor what they want and need and the survivor being in the driving seat for most of these elements

- Emphasising the heightened risks of approaching survivors in their communities, rather than creating or using pathways for survivors to come to you.

Survivor feedback stressed the importance of **recovery first** and support networks (specifically survivor groups). Others urged strengthening reference to prioritising access to health care and support. However, other feedback suggested some rewording for tone and clarity. ‘When a survivor is ready’ should be a survivor-choice. Some prosecutors stated that they cannot always wait until survivors are ready or to do it at their pace.

Survivors also spoke at length on the importance of the disclosure environment, including avoiding triggering locations/items (as part of risk assessment and preparation at individual survivor level), mindful listening and presence – commitment to be properly present, attentive and in the right head space and their choice of who is present including genders, ages and their choice of support person. Practitioners noted mental, social, cultural environments as well as physically and emotionally safe environments, and to add reference to child and age-appropriate environments.

The feedback indicated overwhelming support for the emphasis on safety and quality, over numbers/quantity. Some asked that it be given more prominence or appear earlier in the Code. The Commentary can assist with an explanation of why focusing on numbers (in terms of survivor engagement) is usually unnecessary, given alternative sources of evidence and global pattern witnesses who are better able to speak to widespread or systematic, for e.g. Some commentators asked for more emphasis on safety.

Other feedback proposed:

- Linking privacy to confidentiality and protection of information, and more than a physical location. It should also be linked to safety more explicitly.
- Avoiding subjectivity and qualifiers such as “sufficient” – sufficient for survivor as guided by them. Noting often false assumptions about what the survivor wants and needs, without asking them.
- Reconsideration of wording, reframing and tone to ensure not paternalistic or condescending, as well as ensuring/leading with survivor agency and choice in the survivor-centred approach.

For many of these core commitments, commentators urged further practical guidance on how to achieve these in the Commentary, particularly in challenging, resource scarce and remote environments.

Principle 3: Local knowledge

Some of the wording intended to emphasise the importance of understanding local contexts and dynamics may have inadvertently suggested an international-actor-only audience for the Code. Perhaps what is needed is an initial core commitment acknowledging sustained support systems and understanding of the environment around survivors, wherever they may be - still in conflict, displaced or in the diaspora. Also understanding context where violence took place and the culture within which the survivor is habituated and in which they find themselves. Some commentators stressed the importance of using ‘community-based’ or ‘immediate environment’, rather than “local” or “national”, and to understand that not all survivors share ‘local’ or community contexts.

Survivor (and other) feedback reiterated the importance of the intention behind this Principle and its commitments. A few survivors emphasised how hard it was to explain what they faced to people who didn’t understand the context, conflict and environment, and for the person hearing their story to be able to understand it or relay it accurately without that knowledge. Understanding a survivor’s individual perspective on their immediate environment and context is critical too. Some commentators noted the importance of local rites and ceremonies as support to survivors. On this point, more could be added on indigenous peoples, cultural diversity and perceptions of violence.

Commentators also pressed for more on stigma, retaliation, rejection, safety, social consequences for survivors within their communities, either with its own Principle or at least clear commitment. Survivors also underscored that understanding the risks and barriers faced by survivors who are already marginalised, criminalised or stigmatised based on their sexual or gender identity is vital, noting specific challenges of trans persons and emphasising, i) the legal non-recognition of certain victims, ii) the criminalisation of others particularly through gender discriminatory laws and sodomy laws, and iii) the potential harm or revictimisation from legal process (including virginity testing, mandatory reporting e.g.). Feedback recommended adding guidance in the Commentary on how to proceed in these circumstances.

In addition, others stressed the criticality of this understanding to the ability to contextualise all forms of communication, including child-friendly interview techniques, and gender and culturally sensitive methods of communicating effectively and safely with survivors (avoiding triggering, stigmatising or offending). Noting limitations in some language and dialects around concepts and often lack of neutral expressions related to the LGBTQI+ community. Equally inputs also noted how important it was to understand the harm and violence within its collectivity/community context. Guidance was requested.

There were diverging views on the reference to “culture/cultural”, with some urging more emphasis on tradition, customs and culture (including from survivors) and others noting the diverse perceptions and attitudes within cultures, or urging caution in that “culture” may be quite a charged word which can be readily misunderstood.

Some commentators asked for gender and its many aspects and impacts to be separated out into its own core commitment within this Principle.

Strengthening: More than understanding, also respect for. More than familiarisation, expert knowledge or proficiency within team before proceeding. *‘Is minimizing repercussions sufficient – should it not be stronger?’* Is recognition sufficient or should there be active requirements/commitments to seek to work with local actors or contribute to tackling stigma/negative attitudes in the community? Include reference to informal justice, ancestral and community systems.

Several commentators asked for further guidance on managing the politicisation of CRSV in different contexts as it creates pressures around survivors and impacts dynamics, autonomy, informed consent, safety and retaliation/repercussions for survivors.

While many, including survivors, noted that community-based groups can be a fundamental, sustainable, continuous and trusted support for survivors, a few sounded cautionary notes on the use of ‘local actors’ such as intermediaries and interpreters, and proposed more concrete guidance and publicly available criteria on their selection and use, based on contextual risks to survivors within their communities/current environments. Other recommendations included the need to vet actors/partners, and to understanding repercussions on local dynamics and access limitations to certain survivor groups impacted by choice of local actor.

A few commentators admitted that, at present, insufficient time, resources and effort are spent on understanding the context in which CRSV took place and where the survivor is. They noted that they hope a culture shift towards better respect for survivor rights would change this.

There was some resistance to this from some prosecutors who saw limitations in their ability to work with, share information or co-operate with ‘local actors’. Also some prosecutors felt that advising survivors during informed consent process about local laws and associated risks could amount to providing legal advice, which could contradict their current internal rules.

Inline suggested amendments and additions were suggested for three of the six core commitments under this Principle. Further several suggestions were made for each core commitment to improve clarity and definitions.

Principle 4: Preparation as the foundation

There was some suggestion that it should be moved up to be an earlier principle to emphasise its core importance. Other commentators stressed the importance of its interconnection with informed consent and the communication of risks identified during preparation with the survivor.

It was highlighted that there is an opportunity here to stress institutional responsibilities. And that drivers of bad practice exist institutionally or sectorally which reduce the chance of proper preparation. Questions around “urgency” and whether that actually justifies sacrificing preparations which can reduce harm and be more effective. What do those “urgent missions” achieve in the end?

Many commentators argued that it was important to emphasise survivor engagement and choices are part of any preparation. In this regard, preparation could be divide between an institutional/early preparation phase, then the critical second stage with individual survivors (noting the importance of working with and listening to specific survivors to understand survivor-specific risks and create a space for their control and autonomy as early as possible, which was reiterated during survivor consultations).

Recruitment/team selection could be included specifically in this Principle or Principle 6 building systems/teams. Survivors explained over and over the importance to them of the selection of interviewer, interpreter, etc.

Recurring feedback asked to emphasise safety, stigma, revictimisation risks more, perhaps in a separate core commitment. Some noted how interconnected and fundamental assured confidentiality systems and measures are as preparation.

Commentators proposed the following additional preparation steps or risk assessment aspects be more expressly stated:

- Gender analysis/contextualising CRSV within gender inequality/ patriarchy (including continuums of violence) as part of preparation/doing your homework. Tied to Principle 2 and contextual understandings. Also tied to competencies in Principle 6.
- CRSV legal frameworks.
- Risks of accessing justice, risks to rights/justice of engagement, etc.

On DMC 4.3, one suggestion was made to separate out listening to other harms and being prepared for CRSV disclosures when might not be expected or the initial objective.

The importance of actor-mapping (DMC 4.4) and referral pathways mapping (DMC 4.5) was repeated in feedback, including how underfunded support services were in most all contexts. Humanitarians noted that this information and referral systems are often available with mapping and vetting of services shared through cluster systems, standard operating procedures (“SOPs”), etc. Explicit cross-referencing between DMC 4.5 and DMC 6.5 might be useful so, at the very least, the survivor will be provided information about these services. One commentator noted “actor-mapping” was a technical term which needed further explanation. Perhaps further guidance can be given in the Commentary.

While there was considerable support for the coordination and cooperation commitment (DMC 4.6), it was clear from the feedback that more guidance is needed, highlighting of integrated, holistic and coordinated responses which include access to justice, and critical emphasis on the interconnection with informed consent, confidentiality, etc. Some prosecutors pushed back on their ability to coordinate with other actors or systems.

While DMC 4.7 (Follow-Up) should be reframed to lead with survivor choice for follow-up, its importance was stressed repeatedly in survivor consultations and a few commentators called for its strengthening beyond “do our best”. Some commentators also proposed that immediate follow-up

support in the days after any interview or interaction should also be emphasised. Some further guidance in the Commentary was also recommended – including limitations to follow-up, what the responsibilities are and for how long, etc. The only counter perspective on this was from a group of prosecutors concerned about their ability to work with local actors, whether follow-up blurred roles and noting the risks of relying on local actors.

- *Strengthening language*: e.g. only listen or listen and respond/take steps,
- *Some softening of language*: e.g. actor-mapping “all relevant actors” not practical. Someone noted this was burdensome for journalists.

One recommendation was to highlight local platforms where information is shared so you don’t have to reinvent the wheel. Also, that more guidance and operationalisation tools could be shared in the Commentary, linking to existing valuable resources and perhaps gap filling where tools not publicly available. Noting the value in learning from other fields and disciplines, and inter-disciplinary approaches.

There was a request that the Commentary includes preparation steps for child victims, men and boys, persons from LGBTQI+ communities, people with (dis)abilities and others with heightened vulnerabilities (tied into Principle 1). Requests for further clarifications and definitions of terms, such as “thorough”, “preparations”. And examples of preparations to be undertaken.

Some inline amendments were proposed for specific core commitment language.

Principle 5: Add value or don’t do it

One critical comment about this Principle was that it relies on self-reflection and self-assessment, without peer or community or survivor participation, limiting objectivity and survivor-centred aspects. In the Commentary, further guidance can be added on key questions and criteria to assist self-assessment and how to engage peers, review boards (ERB) and survivors, their communities. Also on realistic outcomes (concrete, realistic and financial/resource feasible), and how better to recognise limitations early.

This Principle would also benefit from a two-stage process – initial internal preparations which could include peer review/consultation and community consultation/soundings, and second phase which focuses on the engagement and empowerment/agency of specific survivors. Building in or accounting for the type of disclosure – self-motivated, enabled or sought/elicited may also help focus this Principle on information seekers, as well as helping ensure the right wording/tone for survivor-centred approaches.

Many commentators highlighted the alternative sources core commitment (DMC 5.3) as critical, but often overlooked or misunderstood. The Commentary could provide additional explanation and examples of these sources. It should also explain how this supports those individual survivors who are self-motivated to disclose and make the choice to participate, and those who are approached by information seekers who are looking to elicit information for their own objectives. Alternative sources can allow proof of crimes without the need to ask survivors who are not self-motivated to testify.

In many of the survivor consultations, survivors stressed the importance of understanding the realistic impact, benefit and outcome of any proposed interaction/interview – that without benefit or an outcome the survivor wishes, the process feels extractive like they are being used/the means to an end for someone else’s purpose.

Some academics asked that this Principle emphasise the balance between benefit v. risks (benevolence) in added value and show how these considerations are used in other disciplines as part of ethical checks early in any development/design process. Other commentators pointed to the interconnection with Principles 3 and 4 as a prerequisite to Principle 5 considerations.

DMC 5.6-5.8 would benefit from reframing to lead more with survivor consent and autonomy, cross-references to informed consent and confidentiality, and further guidance in the Commentary would be beneficial.

Feedback also suggested further clarifying, strengthening and supplementing some of the core commitments with further guidance and tools or some additional wording in the Code.

Importance of clarity on mandate and purpose as delineators on what information needed, what information is not needed, standard of proof, methodologies, etc. One commentator pointed out that these principles should also apply to the contents or each question within an interview.

Principle 6: Systems, competency and continuity

There is an opportunity here to stress institutional responsibilities.

For the title, one commentator asked for the reference to 'support' to be included. It was also noted that "continuity" commitments are now in other Principles so it could be removed from the title.

Feedback included strengthening or separating out points within Principle 6 to include:

- Team selection (or in Principle 4 preparation)
- Language and interpreters (vetting, selection, training/briefings/competencies) (or in Principle 4) with a request for public criteria available for selection, including recognition of risks within communities and to confidentiality)
- More on data security, protection and deletion
- Extension of the Code through this Principle to include not just collection of information but also transfer, storage, use, sharing and publication of information. (6.6. offers some relevance to this, especially if expanded).

Commentators also requested greater emphasis and prominence of DM C6.1 (demonstrated competencies) and 6.4 (child interviewing competencies). Survivors during consultations were clear that those without competency should not be involved in this work.

As discussed above, CRSV specialism can be a double-edged sword which 'others' CRSV and belies the need for mainstreamed competencies around CRSV in investigation/information gathering teams. Specialist teams can lead to more interviews and retraumatisation, and to CRSV being decontextualized from investigations and other associated contemporaneous forms of violence.

One question to be addressed is who should assess such competencies and how to do this objectively in order to reduce self-assessment without objectivity. Perhaps guidance and criteria for competencies, continuing professional development and recognizing limitations (DMC 6.1-6.3) could be in the Commentary or existing available resources can be linked through the Commentary. One commentator asked if there was an opportunity for the survivor to be engaged on this competency assessment and decision process.

Additional competencies were highlighted:

- Gender dynamics in survivor's context.
- Training to respect survivor's choice not to participate.
- Interviewing and communication skills.
- More on understanding impact of trauma on the memory and cognition.
- Basic psychological first aid.
- Basic skills for safe referrals.

- Stigma and how to respond.
- Heightened vulnerability basic assessment – knowing when a specialist is needed.
- Identification and sensitivity to realities and risks facing LGBTQI+ communities.
- If for justice/court process purpose, there must be an understanding of evidence rules and interview skills for justice purposes including preservation and protection of information skills.

Strengthening: including supervision/monitoring in relation to competencies, instead of ‘awareness’ strengthen to expertise/experience, further specific requirements on continued professional development (6.2).

A few pieces of feedback suggested the competency requirements in DMC 6.1 and 6.2 would be too hard to meet (even for a large organisation). Another suggested that a truly survivor-centred approach would allow for a survivor to proceed even with a person without these competencies.

DMC 6.5 Appropriate Support and Response (linked to comments on DMC 2.2 and 4.5): Critically this core commitment originated in very strong and clear messaging from survivors during the sounding phase, which recurred during survivor consultation workshops. Other experts urged resourcing for support service and systems within communities. Some survivors also asked for accompaniment to support services, since this was daunting alone. Survivors also emphasised the importance of survivor networks and groups, in terms of their ongoing support. There were considerable calls to strengthen this provision including:

- Reference to language and interpretation/translation needed.
- Training in basic skills of referrals needed.
- Explicit commitment to provide mapping *DMC 4.5* information to all survivors attuned to them as individuals.
- More explicitly say support services in place BEFORE any interview/documentation. And explicit reference to need for support first. (*DMC 2.2*)
- Protection service or support from resultant threats following documentation.
- Explicit recognition of risks arising during work, not just after or as a result.
- Recognition of need of support acute during the first few days after the interview.
- Support should be sustainable.
- Support should be survivor-centred, survivor-attuned, and ethno-culturally and religiously/spiritually attuned.
- Reference to importance of 72 hour post-exposure prophylaxis and other medical response.
- Survivor choice of services can be empowering.

A few commentators expressed concern of the feasibility of this core commitment, when they arrive in a situation early or where services are not adequate/remote. Further guidance is needed on how to deal with this situation and what possible alternatives have been useful.

DMC 6.6. Confidentiality Protections: the majority of the feedback stressed the importance of this point and asked for strengthened additional Code provisions or practical guidance in the Commentary:

- Mention the right to privacy explicitly.
- Should be its own principles with detailed core commitments under it.
- Cross-reference victims’ rights in international and regional laws.
- Cover collection, storage, transport, sharing and use of information.

- Expansion to family and community if appropriate.
- More specifics such as policies, systems, encryption, encoding, etc.
- Cyber-safety.
- Practical how to implement this with links to resources and tools, training.
- In connection with informed consent, clear information to survivors about the risks to confidentiality.

There were some prosecutors' concerns raised about these confidentiality requirements.

Inline amendments were also proposed for some of the core commitments in Principle 6.

Principle 7: Safe and respectful interviews

From one police force, *"I like the entire safe interview structure portion – we have something similar, but I like the way it is worded in the document. It is more fulsome than what is currently written in our police orders. I would actually add much of this to our SOPs, it's a great guide for officers who WANT to learn and do right by victims."*

There were one or two recommendations to expand the Code beyond interviews in the field to ensure other forms of information collection, such as (in a criminal justice process) witness preparation meetings with investigators, prosecutors or Witness and Victims Units/staff in court systems and also to taking testimony in court or other formal settings. This complements other proposals to include how we use information after initial collection.

Principle 7 would also benefit from reframing to ensure the intended survivor-centred approach is not undermined by some of the word choices or framing of sentences. For example, "we will treat survivors" in *DMC 7.3*.

One commentator asked that the Commentary adds guidance for how to conduct empowering interviews.

Additional provisions/core commitments proposed for Principle 7:

- Cross-reference to Principle 1 concepts of autonomy, control, ownership, consent, self-identity and how survivor's define their own experience.
- Survivor-led narratives in terms of pace, order, control (space, patience).
- Being clear that survivors do not have to answer any questions they do not wish to - part of informed consent.
- Survivor's right to ask questions.
- Respect for physical space, non-contact.
- Include survivor gender preferences.
- The link between CRSV and PTSD, and its impact on disclosure of consequences of CRSV.

Survivor consultations spotlighted the importance of trauma-sensitivity, and its connection with survivor-led interviews. However, there is a need to include links to resource and training on this core commitment in the Commentary. It is not well understood.

DMC 7.4 Screening: This should be explicitly connected to heightened vulnerabilities and assessments of vulnerabilities. "Screening" may not have the same meaning or be understood in all sectors – consider other phrasing. Some additional guidance in the Commentary was requested.

DMC 7.5 and 7.6 are connected in terms of communication (language, interpretation, meaning)– the first about being understood by the survivor from your communication and the second about understanding what the survivor is communicating to you. The feedback suggests that these commitments are of fundamental importance but that the distinction between them is not currently clear. Is a separate provision about interpretation needed? Noting its connection with survivor self-identity and defining what happened on their own terms and in own words – Principle 1 and Principle 3 cultural/contextual competency – fair and accurate representation of the survivor’s recounting of their experience. The feedback suggests breaking down these concepts into separate commitments.

DMC 7.7. on safe interview structure might also benefit from being unpacked further into separate concepts to clarify and emphasise its points. In that way additional aspects could be expanded such as survivor-control, listening role of interviewer, respect for time, the right to stop, the right not to answer any question(s), etc. It might also then include or lead into *DMC 7.8* on using open questions, and *DMC 7.9* on safe closure. These core commitments would then be supplemented with links to existing practical guidance, training and examples.

Principle 8: Integrity and responsibility

Additional suggested commitments for Principle 8 included (where not also suggested elsewhere):

- A more explicit preventing SEA (“PSEA”) policy.
- Capturing court rules (e.g. rule 70 ICC) on questions which challenge their credibility, sexual activities or behaviour or “honour” – as protection against revictimisation and stigma.
- Interviewer self-reflection on own trauma, head space and readiness (overworked, too little sleep, pressurised, traumatised) to be listener and create right safe disclosure space for survivor.
- Ensure use or representation of information also does not stigmatise (*DMC 8.1*).
- Managing expectations – more explicitly than *DMC 8.3*.

Survivor consultations emphasised considerable support for *DMC 8.1-8.2*, non-stigmatising, non-shaming, respect and dignity, as well as non-exploitative (take and go) interactions.

The importance of managing expectations emerged again in feedback on *DMC 8.3 (Honesty and Candour)* – suggesting an explicit provision, perhaps in Principle 1 on informed consent or a cross-reference. One commentator felt that *DMC 8.4* on trustworthiness and promises should get more attention or prominence.

Feedback proposed that *DMC 8.5 (Access to Justice)* should be clarified and supported by Commentary examples of how access to justice can be compromised by the actions of documenters/information collectors. The second sentence could also be redrafted for the sake of clarity. Consider whether corollary - respect for any decision not to access justice or participate in a justice process - needs to be stated here too, and a reiteration that justice includes the right to truth, reparation and non-repetition.

DMC 8.6 No Contamination/Loss of Evidence should be supported by the Commentary to explain these concepts and risks to non-criminal lawyers, discuss photographs and how this applies to “taking testimony”. Feedback also proposed self-reflection on whether you are the best person to do it, adding explicit reference to consent where it is from a survivor, and noting “even when asked to do so”, etc.

DMC 8.7 Secondary/Vicarious Trauma: Survivors noted the importance of this, particular where the documenter is also a survivor. Feedback suggested inclusion of wording around institutional responsibility and response and asked for the Commentary to provide further guidance. Noting that ‘secondary trauma’ is also used with a different meaning.

DMC 8.8 Accountability: the importance of this was stressed by multiple commentators, many of whom described this provision as fundamental. Some argued that the Code must be more than just commitments, that it needs teeth and accountability for those commitments: *“otherwise it seems tokenistic”*. Some commentators urged strengthening of this provision and adding more on accountability. There was also a recognition that existing complaint and reporting mechanisms are far from effective or accessible, and may be hard to provide practically.

B. SUMMARY OF FEEDBACK FROM THEMATIC AND REGIONAL ROUNDTABLES SEPTEMBER – DECEMBER 2021

In response to an initial review of the feedback received during the global consultation on the DMC, IICI hosted six roundtables to review the DMC from different thematic and regional perspectives. These included:

- child rights and child survivors
- disability rights and survivors with disabilities
- LGBTIQ+ rights and survivors from the LGBTIQ+ communities
- survivors as documenters
- Latin America, including the rights and perspectives of indigenous groups
- Middle East

Overall, the DMC and the MCP initiative was very well-received in all roundtables. For example, one participant in the LGBTIQ+ rights roundtable 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.”* Some child rights participants were concerned about a ‘one size fits all’ approach, doubting whether a universal set of standards could apply to all documenters.

Many excellent recommendations were captured in the six roundtable reports which are set out in detail in the Collated Feedback. We recommend full consideration of all the rich input from this work. Only a few main points are summarised here.

- The role of survivors in the development of the Code should be emphasised at the start of the Code and detailed on the website.
- Trust and understanding comes from ‘peer’ documenters where survivors document other survivors’ experiences, and also where documenters come from similar marginalised groups. For example, persons from LGBTIQ+ communities may better recognise the challenges and lived realities of survivors from the same group. It was also emphasised ‘survivors’ are not a single uniform group, survivors have multiple identities and dimensions, including acting in multiple and changing essential roles in communities.
- Broader forms of justice and broader victim rights could specifically be referenced in the Code, such as right to the truth, right to guarantee of non-repetition.
- The text is quite dense and full of information. Unfortunately, no specific recommendations were made as to what should be cut or removed from the DMC.
- It could use more simple terminology. One person suggested a glossary of terms to assist with understanding.
- Obstacles to implementation include: lack of resources including lack of access to training, absence of the rule of law, ongoing violations and security risks, and stigma.
- Ways to promote the Code and encourage its implementation: appropriate and varied translations including into indigenous languages and dialects, using accessible terminology especially for information-poor, linguistically isolated communities; diverse dissemination and promotion at the community level; development and sharing of support tools and resources.

The **regional roundtables** raised some specific language/translation and some cultural components. For example:

- The importance of communal and collective societies and how survivors can be motivated by those bonds and collectives. This is especially important for indigenous groups. 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. Further that harm to a survivor is also harm to the collective. Particularly with CRSV, there is radiating collective harms in groups and communities.
- The Latin American roundtable raised many of the ‘tonal’ issues highlighted in the consultation feedback and made specific recommendations around the inclusion of more language relating to survivor agency, survivor strength and resilience, engagement or interactions (not extractive ‘interviews’).
- Specific translation issues, such as the use of the masculine tense of “survivor” in the Arabic translation.
- The concept of a ‘Code of Conduct’ and how it translates into other languages (e.g. Spanish and Arabic) might be misunderstood.

Some common points arose in the **thematic rights roundtables**:

- The importance of those documenting/investigating, etc. not making assumptions or buying into stereotypes because of a survivor’s characteristics or collectives. For example, people should not make assumptions about the capacity or invalidity of those with disabilities or based on age, or stereotype survivors from the LGBTIQ+ communities. This is also important about survivors as documenters, many assumptions are made about their trauma, their objectivities, etc.
- All urged better integration, more consistent and specific language, and greater visibility for their particular set of rights and groups who are often further marginalised and disenfranchised in conflict and crisis. Many pointed to the lack of specific guidance and standards for engaging with survivors in these groups. All roundtables spoke of specific issues which should be elucidated in the Code to be inclusive of all groups. Almost all urged mainstreaming, rather than separate codes or specific annexes or principles for each group.
- Accessible and appropriate communication was discussed in all the thematic workshops. Promoting self-identity should be emphasised in the Code – including for pronouns, victim/survivor, abilities - disabilities/limitations/challenges, etc. People should be prepared to interviewed survivors of all genders, sexual orientations, ages, abilities, with the right language and non-offensive, sensitive forms of communications and CRSV concepts.
- Accessibility was discussed at the disability rights roundtable, with recommendations made about including some disability rights concepts which would be useful and applicable to inclusive approaches for many groups.

Child rights roundtable: specific recommendations:

- There were mixed views as to how best to integrate child rights into the Code. Most participants believed they could be integrated without a separate code or chapter.
- Provisions from the UN Convention of the Rights of the Child (“UN CRC”) should be included –
 - **Definition of a Child** and explicit include both adults and children as ‘survivors’ in the Code.

- **Include all four UN CRC Guiding Principles** – non-discrimination, best interest of the child, the right to life, survival and development, and the right to express one’s view and have them considered.
- There was a discussion of informed assent and child participation in decision-making, with recommendations for both the Code and the Commentary. The importance of not treating ‘children’ as a homogeneous group was stressed and to assess each individual in terms of maturity, capacity, etc.
- **Children “born of war”** conceived as a result of CSRSV should be expressly recognised as survivors, and noting specific and heightened stigma against these children.

LGBTIQ+ rights roundtable: specific recommendations:

- 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. 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 DMC 1.1 on individualised approach, in DMC 1.10 on non-discrimination, in DMC 3.2 on cultural understanding, and in DMC 6.1 on skills and ideally also in DMC4.5 and DMC 7.5.
- One participant also suggested the code mentions 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.
- Several participants highlighted the need for the Murad Code to emphasise to investigators the need to know well in advance how approaching a survivor may put that survivor at risk of harm or possibly criminalisation. For example, disclosing information on sexual practices that may be criminalised can put interviewees at risk of arrest or imprisonment depending on the local laws and practice. Even when sexual practices are not criminalised, 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 familiarise 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.
- 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.
- 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.

Disability rights roundtable: specific recommendations:

- The **importance of inclusion** of disabled persons, including universal design to proactively ensure accessibility for all persons, providing ‘reasonable accommodations’ to adapt for individual person’s needs.
- The issue of **legal capacity**, UN Convention on the Rights of Person with Disabilities (UNCPRD) states that no one should be deprived of their legal capacity based on their disability alone. This

includes providing reasonable accommodations and assisted decision-making, based on the will and preference of any persons with intellectual disabilities.

- The concept of ‘**social model of disability**’ recognises that society is what creates the barriers and risks in the environment around people with disabilities. 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.

Survivors as documenters roundtable: specific recommendations:

- Participants 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 memorialise traumatic situations in communities throughout different generations.
- To emphasise the importance of community-based psychological support organisations and to integrate support into their work.
- 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, discredited or doubt cast on the reliability and credibility of their work. It was mentioned that survivors must fight against stigmatisation, 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.). The Murad Code could also help raise awareness about the essential role that survivors and survivors/documenters have in society.

A full set of feedback from these roundtables on specific DMC provisions is included in the Collated Feedback available on the website.

C. SUMMARY OF FEEDBACK ON OPEN-SOURCE INVESTIGATION EXPERTS NOVEMBER – DECEMBER 2021

Feedback suggested that the DMC is not clear whether it is intended to apply to information gathered in other ways, other than direct interviews with survivors, in other words, whether it applies to 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 on the web, as well as information offered or received from third parties, etc. The application of the DMC to open-source survivor-information is seen as important since people often do not recognise the potential harm in using and amplifying public information. The standards and application of ethics and safety considerations in evolving for open-source investigations. Experts recommended ways in which the DMC could be adapted to meet this need.

Aspects discussed included:

- Lack of preparation and expertise on CRSV in the open-source investigation field.
- Verification and source analysis, including verifying consent and intention in publication or sharing.
- Appropriate communication and language in digital spaces (*DMC 3.4*).
- The lack of representativity in what is available online and the human bias introduced by search terms, language, etc. The risk of perpetuated marginalization and invisibility is high.

- Risks of desensitisation from working remotely, online, without human interaction – an emotional detachment from the subject and content can develop.
- Given the lack of standards in this space, responses are *ad hoc*, actor by actor. Experts noted the value in having decision-point matrices. Experts also saw the value in changing the messaging around such decision-points, so that if there are doubts or concerns about critical issues such as safety and ethics, if in doubt, don't use it.