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**BACKGROUND PAPER & DRAFT GLOBAL CODE OF CONDUCT FOR DOCUMENTING & INVESTIGATING CONFLICT-RELATED SEXUAL VIOLENCE (“THE MURAD CODE”)**  
*June 2020*

1. This paper contains a draft global code of conduct for the documentation and investigation of conflict-related sexual violence.<sup>1</sup> The draft Code is attached in Annex A. The draft Code is named after the Nobel Peace Prize laureate, Nadia Murad, which reflects its objective to place survivors’ rights at its heart. The paper also sketches the background to the development of the draft Code and explains the process of global consultations on the Code.
2. The idea of such a code originated about two years ago with the Institute for International Criminal Investigations (IICI). The project to develop the Code is a collaboration between IICI and the Preventing Sexual Violence in Conflict Initiative of the UK government (PSVI) in consultation with Nadia’s Initiative.
3. To develop the draft Code for global, open consultations, there has been an intensive process of comparative research and preliminary discussions or “soundings” with 166 actors and stakeholders. The draft Code will be formally launched for global consultations over the coming months. Those consultations and the long-term process to implement the final Code will involve actors and stakeholders from around the globe.
4. The interlinked goals of the Murad Code and the process around it are:
  - (a) To distil existing (rather than to create new) minimum or core standards which are critical for safe, effective and survivor-centric documentation of conflict-related sexual violence through the development and implementation of a globally supported code of conduct.<sup>2</sup>
  - (b) In relation to documentation processes, to strengthen respect for, and fulfilment of, survivors’ and witnesses’ human rights, including with regards to dignity, privacy, health, safety, well-being, justice, remedies and development.
  - (c) To prevent further harm, including re-traumatisation, being caused to survivors.
  - (d) Generally, to raise the effectiveness of such documentation efforts, thus improving the chances of better outcomes for survivors, and, consequently, for those who document and the wider local, national and international communities.
  - (e) To set in place support systems and provide practical guidance to ensure all actors can commit and adhere to the Code, in their roles, without creating any insuperable barriers to those willing and able to act in the best interests of victims.

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<sup>1</sup> For the purposes of this paper and the draft Murad code, “conflict-related sexual violence” refers to sexual violence as a war crime, crime against humanity, act of genocide or other serious violation of international criminal, human rights or humanitarian law. This definition is as broad as the definition of “conflict-and atrocity-related sexual violence” used in the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* (2<sup>nd</sup> ed, 2017), p 11. This definition is used for practical reasons and to reflect the partial roots of the Murad Code initiative in the mentioned *International Protocol*; it is not meant to restrict the potential application or usefulness of the Murad Code.

<sup>2</sup> Annex B contains examples of research sources consulted in preparation of the development of the draft Murad Code.

#### A. What is the problem the Code seeks to address?

5. Those who document, investigate, monitor, research and report on (“document”) conflict-related sexual violence should be guided by existing law, minimum standards and best practices on how to properly undertake such documentation. This includes documentation for advocacy, human rights monitoring and reporting, fact-finding, transitional justice, civil-court actions, strategic litigation, asylum claims and criminal-justice purposes. There are numerous technical publications from different sectors which reflect such guidance and best practices. They include the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* (2017). However, there are persistent and growing reports that some actors, ranging from national and international documentation and investigation bodies to NGOs and donors, are unaware of or do not apply the available guidance.
6. The reasons for that failure include that documenters, investigators and other actors:
  - (a) find such guidance too long or too complicated to apply, often in resource-constrained environments, or find it difficult to identify minimum or core standards from among numerous guidelines and best practices;
  - (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;
  - (c) act in isolation, without coordination with other actors, repeatedly interviewing survivors, with unnecessary and potentially re-traumatising interviews often being the result;
  - (d) mistakenly prioritise interviews with survivors when alternative sources of information might suffice; or
  - (e) are prioritising meeting their own goals rather than respecting the rights and wishes of survivors, including survivors’ access to an effective remedy and access to justice (if justice is what they want).
7. Survivors have described some of the problems from their perspective. Practitioners have also identified problems concerning the safety, use and effectiveness of documentation. Such problems include:
  - (a) repeated and unnecessary re-interviewing of survivors of conflict-related sexual violence with no or insufficient attempts to coordinate or avoid re-interviewing;
  - (b) interviews carried out by untrained or unskilled interviewers with rushed, ineffective, unsafe or otherwise harmful methods or a lack of awareness of the context, all of which will be unlikely to achieve the objective for which survivors shared their information;
  - (c) documenters being unaware about the ways in which such methods can otherwise cause harm to or re-traumatise survivors;
  - (d) insufficient or pressurised informed consent procedures which do not give survivors the full information of options and risks, or the time and space to make their own choices, and survivors not receiving promised feedback on outcomes;
  - (e) lack of medical and psycho-social support which survivors may require following their experiences or because of the effects of re-traumatising interviews; and
  - (f) insufficient planning regarding security and other risks and local contexts, including meeting survivors in places where the interview can be observed, overheard or interrupted by others.
8. Ineffective, unsafe or otherwise unethical documentation practices, however well-intentioned, cause or exacerbate harm suffered by survivors. It harms their chances to access justice (e.g., if repeated interviews result in inconsistent or inaccurate records). It undermines respect for various other human rights of survivors and may undermine their trust in the rule of law and other governance and crisis-response systems. Documentation practices which disrespect such minimum standards are rarely effective and do not add value of the kind promised to survivors.

## B. [How can the Murad Code help?](#)

9. How can actors and stakeholders effectively encourage and support a community of better documentation and investigation practice around the globe? How can we ensure documentation only takes place when necessary and is what survivors want? That the work is safe, effective, survivor-centric and respects the rights and objectives of survivors? How can we ensure that documentation respects the roles of other actors working with survivors? One possible solution is a global code of conduct, with commitment and implementation by governments, UN bodies, other inter-governmental organisations, police services, other international and national investigating authorities, civil society and donors – a code which applies regardless of who undertakes, manages, requests, funds or outsources such documentation, or who uses information or evidence collected by others.
10. A globally supported code of conduct by itself will not improve the situation overnight. It will be a process involving self-reflection, dialogue, shared learning and support, and partnerships across sectors and between survivors, actors and stakeholders. It will require the review of existing approaches, policies and procedures. It will require a joint effort over time, the removal of drivers of ineffective and harmful documentation, and the strengthening of incentives for survivor-centric work. In short, it will require the re-adjustment of the ecosystem within which conflict-related sexual violence documentation takes place.
11. During preliminary discussions held between July 2019 – February 2020, 166 survivors, practitioners and stakeholders from various sectors and regions expressed support for such a code as a constructive contribution to address the identified problems and achieve the goals set out in paragraph 4.

## C. [Commentary and survivor’s charter](#)

12. The final Code would be accompanied by a commentary prepared by IICI, as well as a survivor’s charter, to help support the Code’s application across a variety of contexts.<sup>3</sup>
13. The commentary will link the Code’s core commitments to helpful resources, guidelines, references and international law sources. The commentary will also include shared learning and practical, creative ways to apply the Code across sectors and contexts, and with different types of resource constraints and realities.
14. Survivors will prepare a survivor’s charter, reflecting their perspectives. The charter will help documenters understand what survivors need and want out of documentation and engagement with them. It will assist documenters and investigators to better understand and apply the Code.

## D. [Process & methodology leading up to launch of draft Murad code](#)

15. The 1<sup>st</sup> phase involved comparative *research* across different fields to identify and analyse existing codes of conduct, best practices and guidelines relevant for conflict-related sexual violence documentation. This was to assess and compare core standards and to gain insights from all groups who engage with survivors. Examples of sources consulted are set out in Annex B.
16. The 2<sup>nd</sup> phase involved taking in-person, remote and written *soundings* from a wide array of practitioners, survivors and stakeholders on the concept of a global code of conduct and on core standards which should be included. This phase took place from July 2019 to February 2020. A set of standard questions was used to inform the soundings, focused on what those standards might be, and to whom they should apply. Most soundings lasted between 90-180 minutes.
17. One hundred and sixty-six people were engaged. They included survivors who have participated in documentation processes and independent experts. Most participants were affiliated to (a) local and international NGOs; (b) UN agencies and offices; (c) national and international investigation and prosecution authorities or organisations facilitating such documentation; (d) multilateral and non-governmental

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<sup>3</sup> While the commentary and survivor’s charter would be useful support documents, agreement to support the Murad Code would not in itself constitute agreement to the commentary or survivor’s charter.

humanitarian actors; (e) governments; (f) legal and medical experts; (g) academics, including those specialising in conflict-related sexual violence research and media reporting and the ethics of such work; and (h) governmental and non-governmental donors. Soundings were taken from people who are from or work in or on countries across the globe, ranging from Peru, Argentina, Colombia, Mexico, the USA, Indonesia, Bangladesh, Myanmar, Sri Lanka, Iraq and Syria to Chad, Uganda, Kenya, South Sudan, the DRC, the Gambia, South Africa, Britain, the Netherlands, Germany and Switzerland.

18. The soundings to date have aimed to be as representative as possible. However, they were just an initial step to ensure the draft code is informed by diverse insight and experience. IICI acknowledges some gaps; for example, the hope was to take more soundings from survivors and from national investigators and authorities with investigation powers. The global consultations which will follow the launch of the draft Murad Code will involve broader participation and engagement and will seek to fill gaps in engagement so far.
19. The 3<sup>rd</sup> phase entailed the *preparation of the draft Murad code*. It was drafted in February 2020 based on the research and soundings.

#### **E. What happens next? [Some next steps may have to be adjusted because of the impacts of the coronavirus.]**

20. **Launch of the draft Murad Code:** The Murad Code process will be formally launched and the draft Code presented for global consultations and further development in the first half of 2020. It will be posted on a Murad Code website, through which comments on the draft Code can be submitted. Survivors, states, practitioners and organisations from across sectors and the world will be encouraged to engage with the draft Code and help build consensus around a powerful Code with wide support.
21. **After launch of draft Code:** Written, in-person and remote *global consultations* on the draft Code will aim to engage and receive input on the draft Code from as many different actors, sectors and regions as possible. During the consultations, more practical examples of how to apply the core standards in challenging contexts will be gathered to enrich the commentary supporting the Code. The soundings also identified but left open for further discussion important questions concerning the focus, reach and uptake of the eventual, final Murad Code, and these will also be posed as key questions during the global consultations (see paragraph 27). The consultations will also address the need, role and other specifics of any implementation or support system for the Code.
22. Once the global consultations have been concluded and the draft Code has been reviewed to reflect the outcomes of the global consultations, the *final Murad Code* would be launched in early 2021. This will be accompanied by a commentary and survivor's charter mentioned in paragraphs 12-14. The commentary will be a living document.
23. Sector-specific implementation tools will be developed in collaboration with actors and stakeholders (for example, in partnership with donors, a Code-implementation tool/guide tailored to their needs).

#### **F. Further information about the draft Murad Code, its terminology and issues for global consultations**

24. The draft Code takes its inspiration and content from the research outcomes and in-depth soundings with survivors and practitioners. It seeks to capture existing core, baseline documentation and investigation standards. It seeks to set out, in the form of principles and commitments, the fundamental standards applicable regardless of circumstances and resources. Several practitioners acknowledged that it is unfortunate but necessary for such a code to focus on minimum standards rather than on best or aspirational standards.
25. The draft Code was written as a basis for further in-depth discussions and global consultations. It could be shortened or expanded. The final Code would not replace lengthy and detailed technical or sector-specific documentation and investigation guidelines. It will not make the responsible and complicated task of proper documentation and investigation immediately easier. However, it will help identify the core principles and standards – the non-negotiable red lines – which most existing guidelines and manuals do not always clearly spell out.

26. Partly reflecting its origins in the PSVI and the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* (2017), the current draft Code primarily focuses on:
- (a) Conflict-related sexual violence defined as sexual violence which amounts to the international crimes of genocide, crimes against humanity or war crimes and to other systemic or systematic violations of international humanitarian or human rights law.<sup>4</sup>
  - (b) Documentation and investigation for justice purposes, or of potential relevance to justice processes. For example, it would cover 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. (For example, a video-recording of a meeting between a journalist or high-level diplomatic delegation and a survivor could later be used in a UN commission of inquiry, human-rights NGO report, reparations programme or court case.) The draft Code is also intended to include those who request, support, facilitate, fund or seek to rely upon such work.
  - (c) “Justice”, used as broadly as possible to include and evoke all forms of justice, such as realisation of rights, truth-telling, memorialisation, 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 Code does not assume that justice has particular importance to all survivors; instead, it seeks to encourage an understanding of justice which includes survivor-defined concepts of justice and other survivor needs and objectives.
  - (d) “Documentation” and “investigation”, in the sense of the collection and recording of accounts from and concerning survivors and witnesses about conflict-related sexual violence for use other than in their direct recovery and care.
27. However, as earlier noted, the ultimate content and target audience of the draft Code remain among the important open questions for global consultations. Examples of other important open questions are:
- (a) Should the Code more narrowly focus on documentation and investigation for different forms of justice purposes?<sup>5</sup>
  - (b) Should the Code focus on conflict-related sexual violence, or should it include conflict-related gender-based violence and non-SGBV violations and crimes?<sup>6</sup>
  - (c) Is the (draft) Code attuned to the different perspectives and mandates of different categories of actors, from national police forces to international investigation bodies and donors?
  - (d) Should the Code address questions about the responsibility of actors who fail to respect survivors’ rights and by extension, the Code, and of establishing – as survivors have requested – feedback or complaint avenues for survivors about the conduct of actors involved in documentation and investigation of conflict-related sexual violence?
  - (e) Are there aspects of the draft Code which do not reflect survivors’ rights, are otherwise potentially problematic or have unintended consequences?<sup>7</sup>

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<sup>4</sup> See footnote 1 for the origin of this definition. It includes abuses committed by non-state actors.

<sup>5</sup> Several soundings reflected support for a broader focus, arguing that from survivors’ perspectives there are minimum standards that apply regardless of who engages with them to take their story, whether those engaging with them are journalists, humanitarian-aid providers, high-level delegates from states or multilateral organisations such as the UN, celebrities, academic researchers, human-rights advocates, monitors or investigators, or criminal investigators.

<sup>6</sup> Several soundings suggested a broader approach in order to: reflect that most survivors of conflict-related sexual violence also are victims of other crimes and violations and that sexual violence often is tied to or integral to other violations and crimes; avoid strengthening the international community’s fixation on conflict-related sexual violence to the exclusion of conflict-related gender-based crimes, SGBV in peacetime and of non-SGBV crimes and violations; and recognise that survivors of other crimes and violations have the same rights.

<sup>7</sup> For example, do scientific studies and relevant professional experience show that conflict-related sexual violence documentation and investigation can be done in group settings (i.e., by documenters engaging with groups of survivors) without causing or exacerbating harm to survivors and without damaging the usefulness and credibility of evidence, including in relation to information

28. The draft Code is proposed as a set of core fundamental values, standards, principles and practices aimed at reducing harm and improving outcomes for survivors. Many sectors and professions will find the principles in the draft Code familiar, as they are derived from survivors' rights and the common core values across sector and professional guidelines, protocols and technical manuals. Subject to the outcome of the global consultations, it is hoped that the eventual Code could potentially serve as a universal core language and set of commitments across all sectors and contexts.
29. Should the global consultations opt for a narrow focus, any eventual preamble could contain a statement to the effect that the Code's core standards could apply and have benefit beyond the final Code's parameters, and that nothing in the Code would suggest that lesser standards apply beyond its agreed boundaries or to survivors of other crimes or violations.

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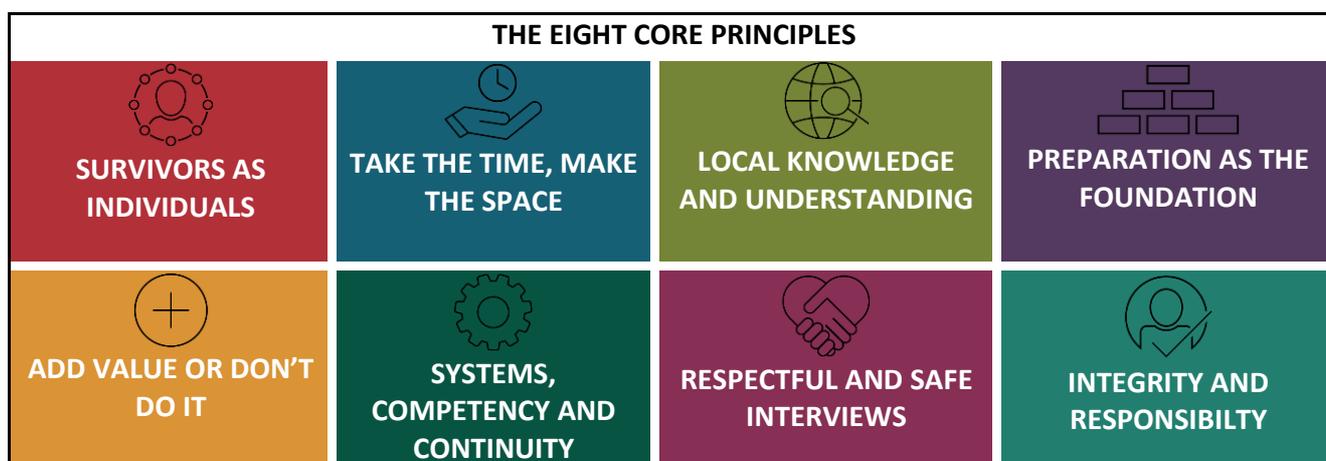
which documenters might want to submit as evidence to courts and other human-rights fora? If so, does the draft Code sufficiently allow for such group engagement?

## ANNEX A: DRAFT MURAD CODE FOR GLOBAL CONSULTATION AND FURTHER DEVELOPMENT

This draft Code of Conduct must be read with the background paper of which it forms part.

### DRAFT GLOBAL CODE OF CONDUCT FOR INVESTIGATING AND DOCUMENTING CONFLICT-RELATED SEXUAL VIOLENCE<sup>1</sup> (version: June 2020)

The objective of the Code of Conduct is to build and support a community of better practice which is safer, more ethical and more effective, and which supports compliance with international law. It is for those in direct contact with survivors (such as investigators, documenters, reporters, researchers, high-level delegations, celebrities, interpreters, intermediaries) and those who can influence the environment in which interactions with survivors take place (such as policy-makers, politicians, donors, organisational leaders, project designers and managers, and recipients of the work).



By undertaking to uphold this Code of Conduct, we are committing to safe, ethical and effective practices to support the rights of survivors, and to building a community of practice which upholds and promotes the Code. We recognise that each of the Code's Principles and Commitments are inter-dependent and inter-related, and apply in all contexts.

#### 1. SURVIVORS AS INDIVIDUALS

- 1.1 **Individualised Approach:** We will treat survivors as unique individuals. 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.
- 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.
- 1.3 **Prioritising Survivors:** We will continuously prioritise an individual survivor's rights, needs and wishes, ahead of our own objectives and will be guided at all times by their safety, well-being, dignity and best interests.
- 1.4 **Informed Consent:** We will respect and support an individual survivor's choices. We will provide a survivor with full, clear, understandable, objective and honest information about their range of options, rights and risks to allow them

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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.

- 1.5 **Reducing Pressures:** We will take positive steps to counter 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 creating incentives or inducements for survivors, or those around them, to speak to us or others.
- 1.6 **Survivors' Priorities:** We accept that 'justice' (however defined) may or may not be of importance to an individual survivor. 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.
- 1.7 **Avoiding Compulsion:** We recognise that using mandatory summons or compulsion powers can harm survivors and can have a negative impact on justice processes and outcomes.
- 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 objectives are in conflict.
- 1.9 **Ownership:** We will recognise a survivor's ownership of their own story and experience.
- 1.10 **Non-Discrimination:** We will not tolerate or practice any discrimination or adverse distinction against a person on the basis of any identity, status, attribute, belief, opinion or other impermissible ground.

## 2. TAKE THE TIME, MAKE THE SPACE

- 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.
- 2.2 **Recovery First:** We recognise that an individual survivor's recovery 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.
- 2.3 **Reducing Time Pressures:** We will seek to remove 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.
- 2.4 **Supportive Environment:** We will create an emotionally and physically safe environment as a fundamental foundation for disclosure and decision-making by survivors.
- 2.5 **Privacy:** We will select a private, discrete interview space (in consultation with the survivor whenever possible) and minimise the risk of being observed, overheard or interrupted.
- 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.
- 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.
- 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.

## 3. LOCAL KNOWLEDGE AND UNDERSTANDING

- 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 those acting on our behalf. If we do not come from the area, we will seek to work with local actors to familiarise ourselves properly with the context.
- 3.2 **Cultural Understanding:** We will take the time to understand how gender, age, sexuality, religious, political and other beliefs, social status, disability, ethnic 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.

- 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 to proceed.
- 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.
- 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.
- 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.

#### 4. PREPARATION AS THE FOUNDATION

- 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.
- 4.2 **Risk Assessment and Mitigation:** We will identify and assess any potential harms, risks 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.
- 4.3 **Contextualising 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 if the survivor chooses to talk about other crimes, recognising that they may have endured other harms and hardships.
- 4.4 **Actor Mapping:** We will conduct 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.
- 4.5 **Referral Pathways Mapping:** We will map 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.
- 4.6 **Co-ordination and Co-operation:** We recognise the critical importance of co-ordination and co-operation, for the avoidance of 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 work together for better survivor outcomes.
- 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.

#### 5. ADD VALUE OR DON'T DO IT

- 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.
- 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.
- 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.

- 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.
- 5.5 **Reducing Exposure:** We recognise that multiple interviews can cause further trauma 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.
- 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.
- 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). We will ask the survivor again before commencing any interview.
- 5.8 **Inform Survivors of Duplication Risks:** Where an additional interview will objectively add value 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.

## 6. SYSTEMS, COMPETENCY AND CONTINUITY

- 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 methodologies. These include: diversity; child, age and ability appropriate sensitivities; gender and local context awareness; sexual violence and stigma sensitisation; interviewing skills; and basic trauma awareness and understanding.
- 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.
- 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.
- 6.4 **Interviewing Child Survivors:** Only those with specialised training and experience working with children (specific to age, development and needs) will interview child survivors.
- 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 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. 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.
- 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.
- 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.

## 7. RESPECTFUL AND SAFE INTERVIEWS

- 7.1 **Assess before Approach:** Based on the core commitments in this Code, we will carefully assess 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.

- 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.
- 7.3 **Dignity and Respect:** We will treat survivors with dignity and respect as human beings, and with compassion, empathy, courtesy and appreciation.
- 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.
- 7.5 **Being Understood:** We will communicate in a language and with words that the survivor understands (including using age, gender, ability and culturally appropriate language). This is critical for honest, respectful conversations, and informed choices by survivors.
- 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.
- 7.7 **Safe Interview Structure:** We will ensure that our interview has a safe, sensitive 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 way.
- 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.
- 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.

## 8. INTEGRITY AND RESPONSIBILITY

- 8.1 **Non-Stigmatising:** We will examine and confront our own biases, fears, attitudes 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, harms or disrespects them.
- 8.2 **Non-Exploitative:** We will not be extractive, instrumentalising, exploiting, harassing or take advantage of survivors' vulnerabilities.
- 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.
- 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.
- 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 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.
- 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 such evidence.
- 8.7 **Secondary Trauma:** We will ensure measures are in place to minimise our own trauma and the harmful effects of the work on ourselves and our team, 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.
- 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.

## **ANNEX B: EXAMPLES OF NON-TREATY RESEARCH SOURCES FOR DEVELOPMENT OF DRAFT MURAD CODE**

*A full bibliography with full citations will be published with the commentary.*

1. EU, Directive 2012/29/EU Minimum Standards on the Rights, Support and Protection of Victims of Crime, 25 Oct 2012
2. UN, ECOSOC Guidance on Justice Matters involving Child Victims and Witness of Crimes
3. UN, Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147)
4. UN, Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34)
5. UN, Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel (A/RES/62/214)
6. UN, Guidance Note of the UN Secretary-General, Reparations for Conflict-Related Sexual Violence (June 2014)
7. OHCHR, Manual for Human Rights Monitoring
8. OHCHR, Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law Guidance and Practice (2015)
9. WHO, Ethical and Safety Recommendations on Sexual Violence in Emergencies
10. WHO, Ethical and Safety Recommendations on Domestic Violence Research
11. WHO, Guidelines for Medico-Legal Care for Victims of Sexual Violence (2003)
12. WHO, Ethical and Safety Guidelines for Interviewing Trafficked Women (2003)
13. Researching Violence Against Women: A Practical Guide for Researchers and Activists (WHO & PATH, 2005)
14. UNFPA, Minimum Standards for GBV Interventions (2017)
15. UNFPA, Reporting GBV in the Syria Crisis, A Journalists Handbook
16. Inter-Agency Minimum Standards for Gender-Based Violence in Emergencies Programming (GBVMS) (2019)
17. UNHRC, Regional Safe Spaces Network and UC Berkeley School of Law HRC, THE SILENCE I CARRY Disclosing gender-based violence in forced displacement, Guatemala & Mexico, Exploratory Report 2018
18. UNHRC and Refugee Law Project, Working with Men and Boy Survivors of Sexual and Gender-Based Violence in Forced Displacement, Need to Know Guidance 4 (2012)
19. IASC, GBV Guidelines (updated 2015)
20. IASC, GBV Guidelines Companion Pocket Guide: How to Support Survivors of Gender-Based Violence When a GBV Actor is Not Available in Your Area: A Step-By-Step Pocket Guide for Humanitarian Practitioners (2015)
21. IASC Guidelines, Inclusion of Persons with Disabilities in Humanitarian Action (2019)
22. Gender-based Violence Information Management System, Inter-Agency Gender-Based Violence Case Management Guidelines: Providing Care and Case Management Services to Gender-Based Violence Survivors in Humanitarian Settings (1<sup>st</sup> ed, 2017)
23. GBV AoR, Handbook for Coordinating Gender-Based Violence Interventions in Emergencies (2019)
24. GBV Global Protection Cluster, Media Guidelines for Reporting on Gender-Based Violence in Humanitarian Contexts
25. UNODC and UNICEF, United Nations Guidelines on Justice in matters involving child victims and witnesses of crime
26. UN Action, Reporting and Interpreting Data on Sexual Violence from Conflict-Affected Countries, The “Dos and Don’ts” (2008)
27. UN Office of the Victims’ Rights Advocate, Draft Statement on Victims’ Rights (2019 draft, internal)
28. UN Office of Victims’ Rights Advocate, Report from Expert Workshop on Victims’ Rights, UNHQNY, (30-31 May 2019) (internal)
29. ICC, Office of the Prosecutor, Policy on Children (November 2016)
30. ICC Code of Conduct for Prosecutors
31. ICC Code of Conduct for Investigators
32. STL, Practitioner's Handbook on Defence Investigations in International Criminal Trials (2017)
33. African Commission on Human and Peoples’ Rights Guidelines for Combatting Sexual Violence and its Consequences in Africa (Naimey Guidelines) (2017)
34. OSCE ODIHR, Preventing and Responding to SGBV in Detention (2019)
35. ICRC, Professional Standards for Protection Work (2018)
36. Child Protection Working Group, Minimum Standards for Child Protection in Humanitarian Action (CPMS) (2019)
37. The Sphere Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response (2018)
38. American Sociology Association Code of Ethics
39. British Psychology Society Code of the Ethics and Conduct, including Code of Research Ethics
40. World Medical Association Helsinki Declaration of Ethical Principles on Research with Human Subjects
41. International Ethical Guidelines for Health Research with Humans
42. RESPECT Code of Socio-Economic Research
43. Council for International Organizations of Medical Sciences (CIOMS), International Ethical Guidelines for Health-related Research Involving Humans (4<sup>th</sup> ed, 2016)

44. Charter on Inclusion of Persons with Disabilities in Humanitarian Action (2016)
45. NATO Provisional Guidance Note on Implementation of Security Council Resolution 1960 (2010) on Women, Peace and Security (Conflict Related Sexual Violence) June 2011, Annexes 2016
46. General Principles for Obtaining the Best Evidence from Vulnerable Witnesses to Sexual and Gender Based Violence Offences Pilon SGBV Working Group (Pacific Islands Law Officers Network) (2017)
47. New Zealand Victim's Code
48. Iowa State Sexual Assault Victims Advocate Code of Ethical Conduct
49. Saferworld: Research in Conflict Settings – Gender and Ethics
50. Health and Human Rights Info (HHRI), Mental health and gender-based violence: Helping survivors of sexual violence in conflict – a training manual (2014)
51. International Protocol on Investigation and Documentation of Sexual Violence in Conflict (2<sup>nd</sup> ed, 2017)
52. Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Professional Training Series No. 8/Rev.1 (under review)
53. U.S. Department of Justice, Office on Violence Against Women, A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents (2<sup>nd</sup> ed, 2013)
54. Global Rights Compliance Basic Investigative Standards for First Responders (2019)
55. PILPG, Handbook on Civil Society Documentation of Serious Human Rights Violations: Principles & Best Practices (2016)
56. Human Rights Watch, Interview Manual (internal, not public) (2019)
57. Guidelines on International Human Rights Fact-Finding Visits and Reports by Non-Governmental Organisations (The Lund-London Guidelines) (2015)
58. AJAR, Manual for Rebuilding Lives and Communities after Torture (2017)
59. AJAR, Stone and Flower: A Guide to Understanding and Action for Women Survivors (2<sup>nd</sup> ed, 2017)
60. Dart Centre, Tip-sheet for Sexual Violence Reporting & Tragedies Reporting Guidelines
61. Women' Media Centre, 10 do's and don'ts on how to interview sexualised violence survivors (2017)
62. Mookherjee, Nayanika, Guidelines Towards Ethical Testimonies of Sexual Violence during Conflict. University of Durham (2019)
63. B von der Lippe & R Ottosen (eds.), Gendering War and Peace Reporting: Some Insights – Some Missing Links, Nordicom (2016)
64. R Campbell, Training Interviewers for Research on Sexual Violence: A Qualitative Study of Rape Survivors' Recommendations for Interview Practice, Violence Against Women (March 2009)
65. J Foster & S Minwalla, Voices of Yazidi women: Perceptions of journalistic practices in the reporting on ISIS sexual violence, Women's Studies International Forum 67:53-64 (March 2018)
66. P Bouvier, Sexual violence, health and humanitarian ethics: Towards a holistic, person-centred approach, International Review of the Red Cross (2014), 96 (894), 565–584.