

SJAC Gender & SGBV Documentation Policy

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Executive Summary

Since the Syrian revolution erupted in 2011, reports have emerged which indicate that the Syrian regime and some opposition groups have used sexual and gender-based violence (SGBV) as a tool of war. The Syria Justice and Accountability Centre (SJAC) seeks to comprehensively document international law violations committed by all parties to the conflict, but concrete information about SGBV has remained scarce. Survivors fear coming forward to document their experiences, established survivor-support services are scarce, and human rights documenters do not have the capacity to ethically document these types of cases. Without documentation, SJAC will have difficulty promoting redress for survivors of SGBV once the transitional justice process begins. To remedy these gaps, SJAC has identified the challenges and needs and has outlined steps for ethically addressing SGBV within its own work. This Policy outlines SJAC's commitments to focusing on gender and SGBV in its policies, methodology, and documentation practices. It proceeds in three sections.

The first section, SJAC Policies on Gender and SGBV, describes SJAC's internal and external policies to fulfill its mission and corresponding obligations to incorporate a gender perspective into all aspects of its work. This section provides key definitions and presents the SJAC mission and goals underlying the Policy. It also explains how SJAC externalizes this policy by documenting SGBV violations, protecting respondents, and implementing a communications strategy that prioritizes SGBV and access to transitional justice processes for both men and women. Within the organization, SJAC strives to address gender by conducting gender assessments prior to and during programming, implementing gender-sensitive hiring and salary practices, and organizing intensive trainings on ethical documentation practices for its staff.

The second section, SGBV Situational Analysis, analyzes the situation in which SGBV occurs in the Syrian conflict. Although both men and women experience SGBV, the contexts in which the violations occur may differ. For example, men are more likely to face violations as a form of torture during interrogations. While women similarly face these types of violations, they also experience SGBV through forced marriages, domestic violence, and sexual assault while accessing resources within their communities or in refugee camps. The section next discusses the religious and cultural backdrop, including the stigma surrounding SGBV, which deters women in particular from reporting violations to documentation organizations or other service providers. This section also discusses the types of support services available to survivors as well as the challenges to SGBV documentation.

Finally, the third section, SGBV Operations Manual, presents operational procedures SJAC has developed based on best practices, for how to overcome the challenges described in the preceding section. The Manual covers every step of SJAC's work, from identifying respondents to analyzing SGBV-related documentation. SJAC trains its staff on how to effectively implement the procedures described in the Manual in a way that systematically and ethically addresses SGBV and promotes justice and accountability for SGBV violations in future transitional justice mechanisms.

I. SJAC Policies on Gender & SGBV

This section begins with a statement of purpose setting out the particular commitments the Syria Justice and Accountability Center (SJAC) has made by adopting a gender policy with a focus on the documentation of and sexual and gender based violence (SGBV). SJAC has constructed these policies to ensure that its internal practices, external activities, and messaging reflect the organization's recognition that a gender perspective is fully integrated into the implementation of SJAC's activities. The report also discusses the ethical principles that will govern the documentation of SGBV— informed consent, confidentiality, and sensitivity – which are captured under the umbrella concept of “Do No Harm.” Next, this section discusses the external objectives and policies for prioritizing and facilitating the documentation of SGBV in Syria. Finally, this section closes with an outline of the internal practices SJAC will take in order to develop a workplace with gender sensitive hiring practices and training requirements.

Purpose

SJAC is committed to integrating a gender perspective and analysis into its efforts in order to strive toward a Syria defined by justice, respect for human rights, and the rule of law, in which all Syrians live in peace. The purpose of this Policy is to outline SJAC's commitment to gender equality by using a gender approach in its internal practices and work activities, and to provide internal guidelines on how SJAC staff fully incorporates these gender perspectives into their work.

Additionally, to further SJAC's mission of comprehensively documenting all types of potential violations of human rights law, the Policy includes innovative approaches for the documentation of SGBV, including a holistic survivor-responsive approach; the provision of sufficient and appropriate training for staff; and, a public outreach strategy which includes pressing for transitional justice mechanisms to address SGBV in the post-conflict phase. SJAC will increasingly seek opportunities for effective consultation with local survivors' groups to take into account the interests of survivors, protect the safety, well-being, and privacy of survivors, and provide access to appropriate support resources. Not only will SJAC utilize a gender perspective in its internal practices, it will also conduct public information activities to increase awareness of SGBV and the impact of SJAC's work in this area.

Background

As a young organization, SJAC is still in the process of establishing policies that will govern the documentation of SGBV violations and other Violations in Syria. SJAC understands the significance of gender within the internal operations of SJAC and in the broader context of the conflict in Syria. It therefore recognizes the need to create institutional policies to direct the SJAC's development as an organization with a demonstrable commitment to gender issues. By articulating these commitments, this policy seeks to:

- Set forth standards for internal gender practices and for ensuring that practices are being followed through regular monitoring and evaluation of program activities.
- Create a transparent and consistent message on SJAC's commitment to incorporating gender perspectives in its work, and in particular SJAC's documentation of sexual and gender-based crimes.
- Improve the capacity for documenting SGBV crimes in order to ensure that SGBV is more effectively documented.
- Ensure that important survivor-centered considerations are not overlooked during documentation.
- Outline training standards for SJAC's in-country Documentation Coordinators to ensure they follow best practices when documenting SGBV, and facilitate more coordinated action with other groups who are working to document instances of SGBV.
- Provide support to partner organizations that are working to document SGBV.
- Raise the profile of SGBV to a priority issue with the international community, policymakers, and Syrian civil society in order to facilitate action and responses, not merely words.
- Demonstrate SJAC's ethical credibility to the Syrian people, donors, partners, and allies when it comes to SGBV documentation

Definitions

Sexual Violence: Acts of a sexual nature against a person, by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression, or abuse of power, or by taking advantage of a coercive environment or a person's incapacity to give genuine consent. Thus, sexual violence includes but is not limited to rape. An act of a sexual nature is not limited to physical violence, and may not involve any physical contact (e.g. forced nudity). Sexual violence, therefore, covers both physical and non-physical acts with a sexual element. Sexual violence can be against persons of any sex (male or female).

Gender vs. Sex: "Sex" refers to biological and physiological differences between females and males, such as reproductive capabilities, average body size, muscle mass, etc. "Gender" refers to socially and culturally defined meanings associated with being a man or woman. Gender includes social and economic attributes, opportunities, roles, and responsibilities.

Gender-Based Violence: Violence committed against persons, whether male or female, because of their sex and/or socially constructed gender roles. GBV is not always manifested as a form of sexual violence. These incidents may include non-sexual attacks on women and girls, or men and boys, because of their gender, such as persecution on the grounds of gender. SGBV includes minor/forced marriage, female

genital mutilation, honor killings, physical assault, the denial of resources, opportunities, or services, and psychological and emotional abuse.

SGBV (“Sexual and gender-based violence”): This term refers to both sexual and gender based violence generally.

Documentation Coordinator: The term “Coordinator” refers to SJAC employees who are on the ground conducting interviews and collecting information for documentation.

Respondent: “Respondent” can refer to any person who has been a witness to or survivor of one or more Violations in Syria, and who is providing testimony and/or other information to a Documentation Coordinator.

Survivor vs. Victim: Both “survivor” and “victim” refer to those who have suffered a violation of sexual or gender-based violence. SJAC uses the word survivor rather than victim because the word survivor empowers while victim diminishes agency. Survivor is also the preferred choice for organizations that work on gender and SGBV-related issues.

Violations: Many bodies of law apply in the Syrian context, depending on the specific facts. In order to avoid confusion, “Violations” is used as a catchall term to refer to violations of human rights law, international humanitarian law, international criminal law (the Rome Statute), domestic Syrian law, and any other relevant Additional Protocol or customary international law. SJAC leaves the determination of which law applies to a prosecutor or judge in any future trials.

Internal Objectives and Policies (Gender Mainstreaming)

The following are ways in which SJAC implements a gender perspective in its interaction with its own staff and contractors located in different parts of the world, as well as into all programming activities SJAC undertakes. By establishing clear internal procedures and staff capacity, and by incorporating gender assessments into program planning, implementation, and monitoring, SJAC is better able to mainstream gender in its holistic approach to addressing justice and accountability in Syria.

GENDER ASSESSMENT

Before implementing any action, program, or policy, SJAC will first assess the implications and risks for women and men who will be affected by the action. This process must make women’s and men’s concerns and experiences equally relevant for any assessment of the design, implementation, monitoring, and evaluation of programs and policies.

HIRING STANDARDS

In addition to maintaining high standards of competency and integrity, SJAC will seek to achieve a fair representation of women and men in recruiting and hiring practices. Due to SJAC’s small size, it may not be necessary to immediately establish a formal policy to ensure a fair representation of women and

men, but SJAC will prepare to establish such a policy as it expands. Furthermore, SJAC maintains a policy of equal pay for equal work among women and men when hiring and promoting staff.

SGBV ADVISOR

Appoint or hire an SGBV advisor/consultant to oversee implementation of SJAC policies on SGBV and a gendered approach to documentation. The Advisor will also develop SJAC's in-house expertise on SGBV.

STAFF TRAINING

All SJAC staff must be familiar with SJAC's policies on gender and SGBV, as well as mainstreaming processes and are trained on how to effectively implement these policies and procedures. All in-country Coordinators are specifically trained in how to interview and obtain documentation from respondents who have experienced or witnessed SGBV, both male and female. This training also addresses how to interview minor children who have experienced or witnessed SGBV.

IN-COUNTRY FEMALE DOCUMENTATION COORDINATOR

If and when appropriate, SJAC will maintain at least one female Coordinator on staff to facilitate in-country documentation. Ideally, SJAC will hire someone with Arabic language and knowledge of Syrian culture and who also has experience working with survivors of SGBV. SJAC can assign this person to serve as the local Coordinator for ensuring the training of and support for the other in-country Coordinators. Due to safety concerns, this may not be an option, particularly in certain parts of the country, but there may be parts of the country or neighboring refugee camps where it would be safe to staff a female Coordinator.

External Objectives and Policies

The following are ways in which SJAC implements a gender perspective into its interaction with Syrians and the international community who are not part of the SJAC team. Through its practice of SGBV documentation, protection of respondents, and communications strategy, SJAC can better project its commitment to gender and SGBV-related issues externally.

SGBV DOCUMENTATION

Despite receiving over 300,000 pieces of documentation, SJAC has noted that few of these include Violations related to SGBV. The lack of SGBV documentation indicates that SJAC needs to make a concerted effort to more effectively document SGBV. By including SGBV as a key priority for the Documentation Coordinators working in Syria, SJAC will ensure an increase in SGBV documentation, which will complement SJAC's overall documentation efforts. This will also help ensure that SGBV crimes will not be treated as "side issues," but rather as substantial crimes in and of themselves. SJAC will also continue to develop its Dual Referral System for SGBV documentation, discussed below, giving more survivors the choice to document their experiences and allowing SJAC to refer survivors to other types of needed support. Through their documentation work, SJAC Coordinators will contribute to advancing a culture of best practice in relation to documentation of SGBV in Syria.

SECURITY

Security of respondents is SJAC's primary concern. SJAC therefore takes strict measures to protect both the respondents and the documentation that they provide. SJAC also takes strict measures to protect its staff, and partners with whom it works. All SJAC programs include an initial risk assessment to determine what the potential security concerns are, and activities are developed with those risks in mind. During implementation of activities, SJAC also conducts continuous re-evaluation of risks, strengthening security measures as necessary. All risk assessments consider how and why risks may differ for women and men, and SJAC develops security measures to address unique or gender-specific challenges that may be identified. Activities such as SGBV documentation carry unique risks for women and men, which SJAC recognizes and addresses through specific security measures. All SJAC risk assessments and corresponding security measures span the full timeline from initial contact with respondents to storage of the documentation on a secure database.

COMMUNICATIONS STRATEGY

All of SJAC's communications will convey an awareness of gender-related issues, including the connection between gender and culture. While SJAC remains sensitive to traditional gender norms in Syria, it also recognizes that not all Syrian women subscribe to those norms. SJAC will iterate its concern for gender-related issues in Syria and all its high-level policy discussions with the international community. Similarly, SJAC will also work to identify, support, and engage with other Syrian or international initiatives undertaken to respond to SGBV and will develop and maintain contacts through participation in conferences, training sessions, and the sharing of information. SJAC's communications officer should work with a gender advisor to periodically review communications products and strategy to ensure a consistent gender perspective.

Ethics of SGBV Documentation

The following are principles and standards SJAC follows in its documentation of SGBV violations. SJAC's primary concern in following these principles is that it focuses on the needs of survivors first, maximizing its ability to document within a framework that protects, supports, and advances survivors' interests.

DO NO HARM

When documenting information about SGBV, Documentation Coordinators must avoid any harm they could be causing through their presence or mandate. Coordinators must investigate and document information about SGBV in a way that maximizes access to justice and minimizes negative impacts. This will always involve ensuring that Coordinators are appropriately trained and sensitive to the particular concerns of respondents who provide information about SGBV. In some cases, it may be necessary to avoid or cease interviewing survivors of SGBV in order to avoid causing harm. Section II will provide information on the possible risk to survivors and Section III will provide methodological responses to those risks. Specifically, the principle of "Do No Harm" will be respected through SJAC's policies on confidentiality, informed consent, and sensitivity.

CONFIDENTIALITY

Documentation Coordinators must protect all the information they receive from respondents, but they must take particular care with the information they gather on SGBV. Respondents who provide information on SGBV violations are providing sensitive information and putting themselves and possibly others at risk of retaliation or stigmatization within their communities. Furthermore, conditions of confidentiality may be necessary to establish trust with the respondent. The Coordinators, therefore, must take steps to establish adequate procedures to ensure confidentiality and promote a reputation of taking confidentiality seriously. The requirement to maintain confidentiality governs not only how data are collected, but also how the data are stored, and how, if at all, the data are shared. Coordinators must:

- Be trained to understand and apply the established confidentiality protocols, and not discuss any case details with family, friends, or colleagues who are not part of the coordination team.
- Ensure information protection measures are in place with regard to all identifying information on the respondent and his/her testimony, at all stages of documentation process.
- Fully and clearly explain to respondents the limits of the Coordinator's confidentiality assurances (e.g. reporting of anonymous statistics, unlikely event of a security breach, use in criminal proceedings with consent of respondent).
- Develop a reputation for maintaining confidentiality, as actual breaches or allegations of breaches can undermine the credibility of the SJAC's documentation project.
- Establish procedures for making confidential referrals for support services.
- Once SGBV data are transferred to the database, the SJAC will ensure that the data are hosted on a secure physical server, rather than online like the other non SGBV-related data.

INFORMED CONSENT

All respondents providing information about sexual or gender-based violence for data collection purposes must be informed about and understand:

- The purpose, subject matter, and personal nature of the data collection activities.
- The procedures that will be followed with respect to the storage and use of the information provided by the respondent.
- The meaning of confidentiality and to what extent the respondent's information will be protected.
- The risks and benefits to the respondent of participating in the data collection.

- The respondent's right to refuse to take part in the interview and/or to answer any particular questions or parts of the interview, and her/his right to put restrictions on how the information s/he give is used.

Documentation Coordinators must pay careful attention to how information is given, considering issues of power and control in the interview setting. Coordinators need to make sure they are not overly influencing respondents with an authoritative attitude or demeanor. Coordinators do not make unrealistic promises regarding the benefits of participation in the documentation project.

SENSITIVITY

When recounting traumatic events that happened in the past, respondents may feel like they are reliving those events during the interview. Therefore, Documentation Coordinators are trained to respond in a sensitive manner to the respondents' trauma throughout the interview process or in any other interactions they may have. Coordinators do not assume that all respondents will react in the same way to difficult questions, but they must be prepared to respond appropriately to respondents who become distressed in the course of an interview. This might require providing tissues, taking breaks, or ending the interview completely. Coordinators must also be aware of the cultural and societal barriers that may impede respondents from disclosing certain information on deeply personal and disturbing matters and refrain from pushing the respondent to answer questions that they do not feel comfortable answering. Coordinators also refrain from showing or verbalizing their horror or disgust in reaction to details of the interview because it may trigger negative or painful reactions from the respondents.

II. SGBV Situational Analysis

The Situational Analysis provides context on the environment in which SJAC gathers SGBV documentation. This analysis informs the organization's Operations Manual for collecting and processing SGBV-related data. Since the situation on the ground is in continuous flux, SJAC periodically updates the situational analysis, making adjustments to the Operations Manual as necessary. The analysis first outlines situations in which women, girls, men, and boys experience sexual violence and gender-based violence. Next the analysis provides an in depth explanation of the social, cultural, and religious beliefs in Syria that shape attitudes towards incidents of SGBV and create challenges to SGBV documentation.

A Gendered Perspective on Conflict

During armed conflict, women and men both face violence, deprivation, and fear. However, the way in which they experience conflict and the types of violations they suffer can be quite different, particularly in highly patriarchal societies like Syria. Women are more likely to experience sexual violence, sexual slavery, domestic abuse, and widowhood that forces them to struggle to keep their families' alive. Those women who have been raped are sometimes ostracized from their families and communities and could face retribution. The situation could worsen if a child is conceived from the rape. Men, however, are more often on the front lines or forced to be on the front lines and are therefore more susceptible to death, detention, and torture.

In regards to SJAC's work, men tend to be far more visible than women, resulting in imbalanced documentation of the two groups. This is due to cultural constraints and conflict-related fear that often results in women seldom leaving the house. Women who have lost their husbands in the war are usually overburdened and busy providing for children and younger family members. Despite this lack of access, SJAC recognizes that women's suffering in the Syrian conflict has been great and seeks to remedy the current imbalance to the extent possible. The following sections describe the different situations in which women and men experience SGBV. By understanding the types of Violations occurring, SJAC is better positioned to identify survivors and bring more attention to SGBV in the transitional justice process.

Sexual Violence against Women/Girls¹

Detention centers (run by Government forces): Female detainees have been subjected to sexual violence/torture. This includes rape (often by multiple assailants and/or with objects), harassment, groping, forced oral sex, forced nudity, and threats of rape/sexual assault. The detainees may be accused

¹ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 5 February 2013, A/HRC/22/59, (75-78)

http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59_en.pdf.

² U.N. Women, Inter-Agency Assessment of Gender-based Violence and Child Protection

of participating directly in an anti-Government movement or they may be detained as punishment for/a way to obtain information about their family members' anti-Government activities. Females have often been subjected to other forms of physical violence and/or torture as well, such as being beaten, burned with cigarettes, electrocuted, or subjected to prolonged stress positions. Female family members of male detainees have been brought in and sexually assaulted as punishment or as a way to extract information from the male detainees.

Checkpoints (mostly run by Government forces or Shabiha): Females attempting to pass through checkpoints have been subjected to sexual assault or abduction followed by sexual assault or enslavement. Females attempting to pass through checkpoints have been referred to detention centers, where violations described above may occur.

Home raids (mostly by Government forces or Shabiha, rarely by anti-Government forces): Adult and younger females in houses with suspected anti-Government males have been sexually assaulted, often by multiple assailants:

- As torture if they will not disclose the location of male relatives.
- As punishment if they are also suspected of anti-Government activities.
- As punishment/torture for males if they are discovered and forced to watch.
- As a method of terrorizing communities.

Females are sometimes raped by coerced family members. Females have sometimes been subjected to other forms of physical violence and/or torture, such as being burned with cigarettes or beaten. Sometimes the assaults occur in the home; sometimes females are dragged out into the street and assaulted publicly. Sometimes females are murdered following the assault(s).

Informal detention in private houses/apartments: Adult and younger females have been abducted (either from checkpoints, from public places, or from their homes during raids) and held in sexual enslavement for periods ranging from several hours to many months. Females have usually been subjected to other forms of physical violence and/or torture as well in informal detention. Captors may inject drugs to weaken the females and/or provide birth control pills to avoid pregnancy.

Refugee/IDP camps: Women have been sexually assaulted or harassed while moving about in refugee or IDP camps. International Rescue Committee identified that women's ability access resources in camps was limited due to the high threat of sexual assault on the way to and from resource centers. Although the security in refugee camps is often better than in IDP camps and the camps have improved since the start of the crisis, problems still remain.

Gender-Based Violence against Women/Girls²

Honor killings/Suicide: Women who have been raped publicly or who disclose that they have been raped are at risk of being killed by male relatives to rid the family of the shame associated with rape. Suicide is also a risk, either due to the woman's own shame/depression or the fear that her family will kill her if she does not kill herself.

Pregnant Women Denied Access to Care: Pregnant women who seek medical care have reported being denied passage through checkpoints. Some have been forced to give birth at the checkpoint or in dangerous locations away from a medical facility, which puts their lives and the lives of their babies at risk.

Denial of resources/Divorce: Families may completely shun women or girls who have been raped, leaving them with no resources and no place to go. Men often desert their wives after watching or discovering that they have been raped. Even those families who allow their female relatives to return home may be too ashamed to let the women go out in public.

Domestic Violence: In IDP/refugee camps, the stress of having to leave home and live in cramped quarters under rough conditions, perhaps without employment, can lead to conflict and violence within families. In homes, the stress of the conflict and the constant fear of fighting and violence outside the home, and possibly while living without steady employment, can lead to conflict and violence within families.

Forced temporary marriage to Government or rebel forces: In-country, young girls have been "married" to Government or rebel forces, sometimes for only a few hours or days. The families of these young girls have been forced to agree to the marriage due to threats of violence or financial coercion. More information is needed about this practice.

Forced marriage following rape by government forces: Some women who have been raped by Government forces have been forced (or encouraged) to marry rebel fighters or other men in order to save the women/her family from the shame associated with the rape. Women may or may have had any say in these marriages, so some are likely consensual while others are not.

Child/minor marriages due to financial coercion: Particularly common in refugee camps in neighboring countries, families have forced young daughters to marry other refugees or local men in order to obtain a dowry to support the family. Families also see these forced marriages as a way to protect their young daughters from sexual violence from men other than their husbands.

Traditional child/minor marriages: In some parts of Syria, marriage of young girls has been part of cultural practice for a long time and remains so.

² U.N. Women, Inter-Agency Assessment of Gender-based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage (2013)
<http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2013/7/report-web%20pdf.pdf%29>.

Sexual and Gender-Based Violence against Men/Boys³

Detention centers (run by Government forces): Male detainees have been subjected to physical and psychological violence such as beatings, being forced to put head, legs, and neck through a tire while being beaten, electrocution, burning of skin, stress positions, being forced to declare allegiance to Bashar al-Assad, and being threatened with execution or physical/sexual violence.

Male detainees are also subjected to sexual violence, including rape, forced sodomy, forced nudity, electrocution or beating of genitals, and cigarette burns to the anus. Young men and boys are at the greatest risk of sexual assault in detention centers. Male family members have been forced to rape one another.

Physical and sexual violence are used against men in detention centers as punishment or as torture in an attempt to extract information. Female family members of male detainees have also been brought in and sexually assaulted in front of the male detainees as punishment or as a way to extract information from the male detainees.

Checkpoints (mostly run by Government forces or Shabiha): Males attempting to pass through checkpoints have been subjected to sexual assault or forced to watch the sexual assault of female family members.

Home raids (mostly by Government forces or Shabiha, rarely by anti-Government forces): Men have been murdered or subjected to severe beatings during home raids, either in an attempt to obtain information or as punishment for participation in anti-Government activities. They may be detained following a home raid. Men are often forced to watch the rape of their female family members during home raids. Men may also be sexually assaulted themselves, and their female family members and children may be forced to watch.

Social, Cultural, and Religious Beliefs/Responses to SGBV

There have been, and will likely continue to be, particular difficulties in collecting evidence in cases of sexual violence against women and girls due to cultural, social, and religious beliefs surrounding sexuality and marriage. The concept of honor, which applies both to the individual and her family, is constructed around notions of female virginity before marriage and sexual fidelity afterwards, instructing the opinion of some that is worse for a girl to be raped than to be killed in Syrian society.⁴ For men, the shame associated with sexual assault (against the male himself) may be seen as a more

³ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/22/59, (Feb. 2013) 17

http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59_en.pdf.

⁴ Katherine Zoepf, A Dishonorable Affair, The New York Times (Sept. 2007)

<http://www.nytimes.com/2007/09/23/magazine/23wwln-syria-t.html?pagewanted=print&r=0>.

personal shame, not reflecting on the family in the same way it does when a female is sexually assaulted, and men may be more willing to report sexual violence when it occurred in the context of detentions.⁵

The secondary impacts of sexual assault in Syria are also serious. Within a family, sexual assault of a female family member can result in her own murder by male relatives, as an honor killing intended to prevent shame to the family, or in suicide, as a girl or woman attempts to protect her family or herself from shame. Women or girls who survive may be shunned by their families and/or divorced by their husbands due to the stigma attached to rape.⁶ When male family members are forced to rape female relatives or watch them be raped, all members of the family may suffer from post-traumatic stress disorder or other psychological effects.⁷ Women who become pregnant following rape may choose not to or be unable to obtain an abortion, and the presence of a child that is the product of a rape may cause tension and other problems in the family. A woman or girl who suffers serious physical injury as the result of rape may require expensive medical care, which may place a burden on the rest of the family.

Another serious secondary effect of sexual assault is the debilitating effect that assaults have on a community's sense of safety (or perceived safety). Stories of rape are rampant from neighbors, family members, FSA soldiers, Syrian news stations, international media, and the Internet.⁸ It is impossible to know how many of these reports are credible. Regardless of their credibility, however, the effect has been to instill fear throughout communities. In many communities where these stories are prevalent or where young girls have been abducted and/or sexually assaulted, girls have stopped leaving the house in order to protect themselves from sexual assault, meaning many girls are not attending school.⁹ This trend puts the education and future opportunities for Syrian girls at serious risk. Further, many families who have fled the country have done so to protect themselves from the perceived high risk of kidnapping and sexual violence. These families lose their homes, their possessions, their livelihood, their communities, and their autonomy when they leave Syria for a refugee camp in another country.¹⁰

Because of these and other negative effects, women and girls who have been sexually assaulted have little incentive to report on the crimes committed against them. Women and girls may also remain in relationships with perpetrators of SGBV. While men may be more likely to report SGBV in some instances because the impact on the family/community is not as great, the fear of personal humiliation or dishonor may still be an obstacle to reporting. There is little access to medical or psychosocial

⁵ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/22/59, (Feb. 2013) (page 75).

⁶ Lisa Davis, Seeking Accountability and Effective Response for Gender- Based Violence against Syrian Women: Women's Inclusion in Peace Processes (2014) 8.

⁷ Lauren Wolfe, Syria Has a Massive Rape Crisis, Women Under Siege (April 2013), <http://www.womenundersiegeproject.org/blog/entry/syria-has-a-massive-rape-crisis>.

⁸ Hamida Ghafour, Syrian Women Who Fled to Jordan Tell of Horrific Rapes Back Home, The Star (April 2013) http://www.thestar.com/news/world/2013/04/06/syrian_women_who_fled_to_jordan_tell_of_horrific_rapes_back_home.html#.

⁹ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/22/59, (Feb. 2013).

¹⁰ U.N. News Center, Displacement in Syria giving way for serious gender-based crimes, warns UN official (Feb. 2013) <http://www.un.org/apps/news/story.asp?NewsID=44230%20#.VL-3XUff-kF>.

support,¹¹ and the perpetrators of SGBV seem unlikely to face punishment, further contributing to the lack of incentives to report in the face of the aforementioned risks.

Status of SGBV-Related Support for Syrians

Based on a concerted effort to conduct outreach to organizations working with survivors of SGBV in Syria and in neighboring countries, SJAC has been able to gauge the types of activities taking place. Online resources provide additional information on these activities. However, the capacity of these services to address SGBV or reach the majority of Syrians in need is low, and survivors of SGBV generally do not know about these services or have the ability to access them if they do.

TYPES OF SERVICES

The most prominent activity is the provision of medical services. Typically these types of organizations do not send their own medical personnel, but work with a network of trained professionals who provide emergency services and treatment to Syrians. However, the focus on SGBV survivors is limited. One organization has trained medical staff in how to do forensic analysis of SGBV patients, which is then upload to a mobile phone app, but this activity primarily serves to document cases of SGBV, and the type of treatment provided alongside the forensic analysis is unknown. Other organizations have opened reproductive clinics in Syria. The personnel at the reproductive clinics may be better positioned to become alerted to and treat cases of SGBV.

Although the number of doctors in Syria has declined dramatically since the beginning of the conflict, they are far more common than therapists and psychosocial professionals. Stories regularly emerge of the need for psychosocial support, particularly for children and those who survived torture and sexual trauma. Unfortunately, mental health care organizations have been unable to effectively penetrate Syria. Refugees in the neighboring camps have relatively greater access to psychosocial support.

Humanitarian and U.N. organizations working in the camps have likely had the greatest impact on SGBV-related support, particularly the women's centers that provide a safe place for women to gather and speak about their experiences during the conflict. In a similar vein, U.N. Women runs a technical training service for women in the Zaatari camp, allowing women to gather to learn sewing, typing, and other valuable skills. Despite the lack of focus on addressing SGBV, often times women who attend these classes eventually discuss their experiences with one another.

LACK OF CAPACITY

Despite the existence of several types of services, few have trained or built the capacity of their staff and partners to address the specific concerns related to SGBV. Medical personnel, for example, provide general care and are not trained to handle patients who have survived SGBV. According to SJAC partners, doctors tend to be uncomfortable with the topic and either do not encounter survivors or do no report on it if they do. As mentioned above, psychosocial support is rare, particularly for survivors of

¹¹ Lisa Davis, Seeking Accountability and Effective Response for Gender- Based Violence against Syrian Women: Women's Inclusion in Peace Processes (2014).

SGBV, and organizations that provide these services are only in the largest camps (like Zaatari) and are overburdened with the sheer number of Syrians trying to access their services. Whether mental care professionals are trained to interact with survivors of SGBV is unknown. Humanitarian organizations with larger budgets and more robust experience working in conflict zones, have trained professionals who are able to effectively provide support, but due to the large number of people in need of help and the large geographical area spanning four countries that the organizations need to cover, they have been unable to establish small, survivor-centric safe houses in many areas.

LACK OF ACCESS

Access to survivors remains a large concern for organizations mandated to address SGBV in the Syrian conflict. One reason for this is the lack of awareness among Syrian about the availability of such services, even in areas where they exist. According to a study conducted by U.N. Women, 83% of Syrians surveyed did not know whether services for SGBV survivors existed in their areas.¹² While organizations providing support may need to conduct better outreach, few are able to do so due to security concerns and a desire to keep the location of their centers or field hospitals as secretive as possible. Word of mouth may be the only method by which they are able to spread awareness. Access is also limited due to the restrictions of movement faced by female survivors. Women are often unable to leave their dwellings due to family constraining their movements or due to their fear of sexual assault. Inside Syria, women are often assaulted at checkpoints, and in refugee camps, women are often harassed and assaulted on their way to access services like food and social care. Thus, encouraging women to seek out support for SGBV can be a challenge and may put a women's safety at risk.

Challenges to Documenting SGBV Violations

In addition to the challenges outlined above, SJAC has encountered several challenges to documenting in particular. These challenges stem from or are directly related to the Syrian social and conflict context, as well as the general gaps in support activities for SGBV survivors. However, SJAC's operational policies, outlined in Section III, are designed to overcome these specific documentation-related challenges according to the principles and ethical framework described in Section I. These challenges include:

STIGMA AND SOCIAL BARRIERS TO REPORTING

As described above, the social stigma against rape and other forms of sexual violence prevent survivors from talking about their abuse. However, if they are to speak, it is more likely to be an oral retelling with a trusted professional or fellow-survivors. Documentation requires that their stories be put down on paper or recorded. The unwillingness to take that step out of fear that it could be disseminated or leaked creates an additional barrier to documentation efforts.

¹² U.N. Women, Inter-Agency Assessment: Gender-Based Violence and Child Protection Among Syrian Refugees in Jordan, with a Focus on Early Marriage (2013) (page 26), <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2013/7/report-web%20pdf.pdf%29>.

LACK OF ACCESS

Like other organizations, SJAC has found barriers to accessing survivors. However, these barriers are amplified for SJAC because, unlike medical care, survivors are unaware of what transitional justice is, and specifically unaware of any incentives they have to lodge testimony.

LACK OF CAPACITY

With the unstable security within Syria, SJAC has difficulty hiring and protecting the safety of staff. Therefore, SJAC has few Coordinators in Syria who can document Violations. Those activists who are willing to work for SJAC are exclusively men. SJAC does not have the ability to hire female staff who can travel safely around Syria to document Violations against female survivors. Due to social and religious constraints, SJAC's male documenters cannot easily interact with female survivors. These challenges create barriers to documenting SGBV.

III. SGBV Operations Manual

The final section serves as an operations manual based on best practices for documentation. The following topics outline the operational practices SJAC implements in order to successfully and ethically document SGBV in Syria, and use that documentation to address SGBV violations in future justice and accountability mechanisms. Methodological issues include identifying and connecting with respondents, documenting particular kinds of SGBV interviewing, evidence collection, and follow-up support. For each issue, methods for overcoming challenges have been identified and explained.

Documenting SGBV alongside Other Violations

SGBV violations are often overshadowed or ignored, particularly when they occur in connection to crimes like torture and illegal detentions. In order to ensure that SGBV is properly addressed, SJAC takes the following steps:

- Training all Documentation Coordinators to ask questions about incidents of sexual violence or gender-based violence, regardless of what type of incident(s) or violation(s) may be the focus of the interview and regardless of the incident's relationship to the conflict.
- Including the investigation of SGBV, both as stand-alone incidents and as part of other crimes (e.g. torture and mass killing).
- Coordinating efforts with other organizations that are already obtaining information on SGBV in an ethical and responsible manner. In particular, SJAC focuses on medical, psychosocial, and women's organizations because female survivors may be more likely to disclose SGBV to medical professionals or counselors focused on women's issues.

If a Documentation Coordinator is speaking to a respondent about their experiences during detention or interrogation, s/he also carefully approaches the topic of SGBV during the interview. Respondents who have experienced or witnessed SGBV may not classify these violations as distinct crimes from other Violations, but they may be willing to identify and speak about them if a Coordinator asks specific questions. However, Coordinators will not force respondents to discuss SGBV in relation to other incidents if they are unwilling.

Connecting with Survivors

Opening up a space for respondents to record their testimonies can be a challenge for many reasons. For example, in contrast to the survivors of other types of Violations, SGBV survivors tend to have more shame surrounding the incident(s) and fear of the societal repercussions for speaking out about it. Thus, SJAC has developed methods for identifying SGBV-specific respondents, both male and female, and documenting their experiences.

IDENTIFYING RESPONDENTS

SJAC Documentation Coordinators are well established within the communities in which they work. While these community ties allow the Coordinators to be well positioned to document most types of Violations, survivors often keep SGBV hidden within their community, making SJAC's typical method of contacting respondents insufficient. Thus, SJAC is developing a Dual Referral System, discussed below, for respondents who wish to offer information about SGBV-related incidents after visiting one of these organizations for related support. Furthermore, SJAC will encourage respondents to share SJAC contact details with friends and colleagues who may also have information they wish to have documented.

- **Female Respondents:** Syrian women, in particular, are hesitant to come forward about past or ongoing abuse. To connect with women who may have experienced SGBV, SJAC will rely on a network of organizations and individual word-of-mouth. SJAC has begun building partnerships with medical, reproductive health, psychosocial, and women's organizations within the target communities to increase its network within Syria and the neighboring countries. Since women also experience SGBV in detention centers, SJAC is also building relationships with medical organizations that treat survivors of torture or any other organizations focused on rehabilitating former prisoners.
- **Male Respondents:** Analysis of documentation efforts in Syria indicate that men are more likely to speak out about their own abuse than women, at least when these violations occur as part of torture and detention. However, SJAC is committed to more effectively documenting SGBV experienced by men as well as women. Since many SGBV cases against men occur during their illegal detentions in connection with other forms of torture, SJAC is building relationships with medical organizations that treat survivors of torture or any other organizations focused on rehabilitating former prisoners in the target community. Syrian men may experience rape and other forms for SGBV outside of detention centers or checkpoints, but such cases are not often reported and more documentation would need to be collected to determine the extent of SGBV violations against men.

COORDINATION WITH OTHER DOCUMENTATION GROUPS

In order to avoid re-traumatization, Coordinators do not interview respondents who have already been interviewed by other documentation groups in the area. Therefore, SJAC Coordinators communicate with other organizations that are documenting SGBV in the same communities to avoid unnecessary harm that does not yield new or additional information about SGBV incidents. However, some groups or individuals documenting Violations in Syria may not have undergone adequate training in documentation, and their data might exclude certain standards of quality or completeness. In such circumstances, SJAC Documentation Coordinators may need to re-approach the respondent and ask follow up questions or acquire information that can complete the file, such as an informed consent form. To the extent possible, the Coordinators do not rehash the questions that had been previously asked.

Obtaining Informed Consent

Informed consent is an essential aspect of documentation. Prior to an interview, a respondent must be given information about each of the following:

- SJAC's mission and the reason for the interview
- Subject matter to be discussed
- Personal, and possibly upsetting, nature of the questions that may be asked
- Potential risks and benefits involved in participating
- Rights to refuse to take part in the interview/answer any particular questions
- SJAC's confidentiality policies and the respondent's right to put restrictions on how the information given is used
- The limits to confidentiality and with whom information may be shared

In order to obtain informed consent, the Documentation Coordinator must explain the different aspects listed above, answer any questions the respondent may have, and obtain consent in writing. To record this process, Coordinators are trained to use SJAC Informed Consent Forms, attached in Annex 2 below.

During the course of an interview, if the respondent seems hesitant to speak about a certain issue or seems unable to continue, the Coordinator does not push, but instead reassures the respondent that s/he can end the interview at any time. Coordinators are aware that consent can be revoked at any point during the interview. Informing

The Incentives and Risks of Documentation

When connecting with SGBV survivors, SJAC Coordinators aim to present the opportunity and choice to document the abuse. Coordinators are trained to fully inform respondents about the incentives and end goals of documentation, while managing expectations about possible near-term or direct benefits. Coordinators must also inform potential respondents about risks, and how these relate to any possible benefits. Thus, coordinators are trained to cover the following points when interacting with respondents and referral partners.

POTENTIAL END USES OF DOCUMENTATION

SJAC intends to use SGBV documentation to further two main goals. The first is to push for and drive the establishment of appropriate justice and accountability mechanisms in response to the reality of SGBV in the Syrian conflict, based on facts and analysis drawn from the documentation itself. Once such mechanisms have been established, SJAC's second goal is to contribute documentation and analysis directly to them.

There are a variety of potential justice and accountability mechanisms in which SJAC documentation could be used, including international and/or domestic criminal prosecutions for war crimes and crimes against humanity; victim compensation and reparations programs; missing persons programs and other victim-centered activities; truth commissions and other truth-telling measures; memorialization and creation of a historical record; vetting and lustration processes, such as setting criteria for who is allowed to hold public office; and other institutional reforms; etc.

INCENTIVES FOR SURVIVORS

One reason survivors may wish to document their experiences is to contribute to building a body of documentation of SGBV violations. This corpus of documentation can be used to push for accountability mechanisms that specifically address SGBV violations and survivors' needs. Without effective documentation of SGBV, it is unlikely that justice and accountability efforts will have the sufficient capacity to address the nature of these violations and the unique needs of survivors. By documenting their experiences with SJAC, SGBV survivors can add to the record showing that SGBV has occurred in the Syrian conflict, aiding with an analysis of trends and patterns, and adding to the weight of facts when accountability mechanisms are actually being established.

Another reason survivors may wish to document abuse is that, by doing so, they have lodged their experience with an organization that has high chances of directly contributing to future justice mechanisms. In other words, by depositing personal documentation with SJAC, survivors have a higher chance that a future justice mechanism will actually see and address the violations they personally experienced.

Lodging documentation with SJAC does not by itself make survivors eligible for any victims programs or participation in any other accountability processes. Eligibility for benefits such as receiving compensation or reparations, participation as a victim or member of victims' groups during criminal prosecutions, and other processes will depend on the rules and procedures of the relevant mechanisms once they are established.

SJAC cannot guarantee direct benefits of documenting SGBV. First, SJAC cannot guarantee or even predict that justice and accountability mechanisms will be established. Second, SJAC cannot guarantee that those future mechanisms, if established, would be able to access SJAC documentation, for a variety of reasons. Finally, SJAC cannot guarantee or predict the specific measures or scope of these future mechanisms. What SJAC can and will do is push for the establishment such mechanisms that most appropriately respond to survivors' needs and do everything it can to contribute to their effectiveness once established.

WEIGHING RISKS

There are risks associated with documenting SGBV, including physical and psychological risks to survivors and their families. Although SJAC takes significant measures to protect security, confidentiality, and psychological well-being of all respondents, there is always risk that these precautions are subverted, or that there are other risks SJAC cannot predict. Most importantly, the choice of whether to document SGBV lies with survivors, and SJAC cannot encourage respondents to

weigh risks or benefits in any particular way. While Coordinators provide well-informed answers about the documentation process and potential outcomes, they may not exert pressure on a respondent's judgment.

Documenting Testimonies from Respondents

Once a respondent has been identified, SJAC Coordinators must be able to document their testimonies demonstrating sensitivity and Doing No Harm, while following standards to ensure that the documentation will be usable and informative for future justice measures.

TAKING TESTIMONIES

Once a respondent has been identified, SJAC strives to conduct the documentation process responsibly, ethically, and in a manner that makes the respondent feel most comfortable. Ideally, SJAC should be in a position to offer the respondent the option of speaking with a female or male Documentation Coordinator, depending on his or her preference. Coordinators do not presume the preference of a male respondent. However, due to the security concerns within Syria, a female Coordinator may not always be available to travel. If a female Coordinator cannot be reached and a respondent prefers speaking to a woman or would rather speak to a medical professional, SJAC will try to coordinate with medical or women's organizations to facilitate the interview. If these options are unavailable or unfeasible, then the Coordinator can request that the respondent conduct the interview through Skype, phone call, or written communications. SJAC trains all Coordinators to interview respondents who are survivors of or witnesses to SGBV in order to use the appropriate degree of sensitivity and respect. All Coordinators are also trained to make referrals to other types of survivor-support, as appropriate and available in each area.

MAINTAINING CHAIN OF CUSTODY

Before taking possession of any documentation, SJAC Documentation Coordinators document chain of custody and preserve the security of the documentation they collect. As far as physical documentation (medical records, scraps of cloth, etc.) SJAC Coordinators can give the respondents the option to maintain possession of physical documentation and instead document the evidence via camera, photocopy/scan, or any other method.

LOCATION OF INTERVIEWS

Interviews take place in safe, secure locations. It may be possible to arrange interviews in the context of other activities that draw less attention, such as in places offering a variety of social or medical services. However, if the interview takes place in a building with other services, the Coordinator must ensure that the interview is in a private space, without the presence of third parties (see below). Coordinators communicate with respondents to determine the safest location for an interview.

PRESENCE OF THIRD PARTIES DURING INTERVIEWS

As a general rule, SJAC Coordinators do not permit the presence of third parties during the interview because it increases the risk to the Coordinator, may compromise the confidentiality of the respondent's

answers to questions, and could sway the responses themselves if the respondent does not feel completely comfortable with the third party. However, the respondent may request to be accompanied by someone who can support him/her. This will be permitted, at the Coordinator's discretion, as long as the supporting person is someone the respondent trusts to be discrete and is not also a witness. Although the supporting person cannot be present during the interview itself, he/she should be accessible during breaks (unless the respondent is a child, in which case a parent or guardian may be present during the interview).

ESTABLISHING THE LEGAL ELEMENTS OF SGBV CRIMES

SJAC provides specific training and tools to Documentation Coordinators on documenting SGBV. Specifically, Coordinators are taught how to ask questions to help establish facts that would meet the legal elements of SGBV crimes. This will be crucial for assessing criminal responsibility and identifying the specific crime(s) for which an individual may be held accountable under international or domestic criminal law, should the occasion arise. However, asking a respondent whether a certain element occurred is not useful fact gathering. Therefore, SJAC Coordinators are trained to ask fact-based questions that elicit information about whether events or circumstances that would establish a certain element occurred. For example, rather than asking whether the perpetrator was a civilian or combatant — a legal determination — the Coordinators ask fact-based questions related to the type of clothing the perpetrator was wearing, any insignia on the clothing, and the weapons that were being used. For specific examples of SGBV interview questions, please see Annex 3 below. Coordinators are also trained so that they are familiar with euphemisms and other verbal and non-verbal communication that may be used by respondents to refer to acts of SGBV. For example, children, in particular, tend to point to the area of the body that was violated or use slang to refer to genitalia because they do not know the proper term.

Ensuring Sensitivity of Documentation Coordinators

SJAC's practices for ensuring the sensitivity of the Documentation Coordinators involve two components. First, SJAC maintains qualified staff that can provide ongoing support to SJAC's SGBV documentation efforts. Second, SJAC ensures that Coordinators have capacity, through yearly trainings and ongoing technical support, to implement best practices for documenting SGBV cases and show the appropriate level of sensitivity in their work.

HIRING PRACTICES

SJAC will retain an expert SGBV Advisor to provide initial training on documenting SGBV in conflict zones to all Coordinators. The SGBV Advisor will also be available year-round to provide support to the Coordinators if they have questions regarding new types of cases or other issues they encounter, or if they need further guidance on the training they have received. SJAC will also aim to hire Coordinators who show demonstrable sensitivity to SGBV-related issues. The interview process for Coordinators will disqualify candidates who show negative attitudes towards survivors of SGBV or an inability to demonstrate appropriate sensitivity. If the team members are inclined to avoid questions related to SGBV, it will be difficult to increase the documentation of these crimes.

To the extent possible, SJAC will hire and maintain a female Coordinator on staff to be available for interviews, to oversee the in-country documentation of SGBV, and to ensure the proper training and conduct of the other Coordinators towards female respondents. Female Coordinators tend to be difficult to hire because they face risks in addition to those typically faced by Documentation Coordinators. In particular, their ability to travel and move freely throughout Syria to document Violations is restricted due to constraints on women in Syrian society. Additionally, the real and rumored risks of SGBV mean that women are not as likely to apply for such a position because of fear to their physical safety. Therefore, if a female Coordinator cannot be hired or if she is not experienced in gender-specific issues, the SGBV Advisor will provide supervision, training maintenance, and additional support as necessary for the Coordinators on gender issues.

TRAINING DOCUMENTATION COORDINATORS

While it would be beneficial to hire a female (or male) with special skills in interviewing women or survivors of sexual or gender-based violence, SJAC does not rely solely on the skills of one dedicated team member. Rather, all SJAC documentation staff in the field must be trained to ensure an integrated approach and ensure that no data is overlooked under the assumption that a particular Coordinator is responsible for all documentation of SGBV. Coordinators are trained to be able to:

- Ask appropriate questions, using non-judgmental language and tone
- Use active listening, employing appropriate non-verbal and verbal responses
- Accurately record what the respondent is actually saying, instead of noting what the Documentation Coordinator expects to hear from the respondent
- Convey understanding of the possible physical, economic, social, emotional, and psychological consequences of SGBV
- Explain confidentiality principles to respondents

SJAC encourages Coordinators to take frequent breaks from their work to relax. SJAC also encourages them to seek ongoing access to psychosocial support in order to ensure that they are able to handle documenting SGBV and are able to process their experiences. Professional psychological support is oftentimes unavailable in the areas in which the Coordinators work and live, so during annual trainings, SJAC leads sessions whereby Coordinators can express their feelings about the work they do and discuss any trauma they have felt throughout the year.

Dual Referral System

As noted above, SJAC is developing a Dual Referral System that would both increase SJAC's access to survivors and allow SJAC Coordinators to refer survivors to needed support following the documentation. Survivor support services include medical, psychosocial, economic assistance, and protection organizations. Once SJAC has established a partnership with a survivor support organization, SJAC puts their local staff in contact with SJAC's local Coordinator. If the service provider

encounters a survivor who experienced SGBV in the Syrian conflict, its local staff will inform the survivor about the option to document his or her experience with SJAC. If the survivor is interested, the local staff will put the survivor in touch with the SJAC Coordinator. The method of connecting the Coordinator with the survivor will depend on the specific security conditions of that locality and is determined on a case-by-case basis in conjunction with the referral partner.

Although referral partners oftentimes already collect some form of documentation from survivors (such as medical records), SJAC Coordinators do more in depth documentation, touching on the facts that could elicit a legal determination of whether a Violation occurred. Referral partners can aid in the documentation of these abuses to enable the potential for a justice process that could bring attention to SGBV and deter the use of sexual violence as a weapon of war in future conflicts. Referral to SJAC can also directly serve survivors' interests: these individuals have a right to justice and reparations, and in the absence of immediately available justice mechanisms they also have the right to choose options that may increase their chances of realizing these rights. Although resulting benefits may be indirect or long-term, survivors may wish to take what steps they can to influence overall attention to addressing SGBV Violations, as well the likelihood that they see personal, direct benefits in the future.

GIVING SURVIVORS OPPORTUNITY AND CHOICE

Referral partners are provided with information on SJAC's mission, confidentiality procedures, methodology, and informed consent procedures to assist with their ability to provide the survivor with information about the incentives, benefits, and risks of documenting their experience with SJAC. However, referral partners are not asked to gather documentation from survivors on behalf of SJAC and are not required to provide SJAC with the documentation that they already gather. Rather, the referral partner simply makes a connection between the survivor and the Documentation Coordinator. The referral partner must be clear that it is the survivor's choice whether to participate or even contact SJAC. Often, the survivor may feel intimidated or coerced to agree to whatever the referral partner's local staff asks of them, particularly if the referral partner's staff includes well-respected members of the community, such as doctors. This makes it even more imperative that the referral partner is clear that services they provide are not hinged on participation in SJAC documentation. They should remain neutral on the issue and only provide SJAC as an option for the survivor.

REFERRING SURVIVORS TO OTHER TYPES OF SUPPORT

In addition to training Coordinators in sensitive documentation techniques that avoid retraumatization according to the Do No Harm principle, SJAC aims to make an affirmative contribution to meeting survivors' needs. SJAC recognizes that SGBV survivors are often in need of a variety of support services, so, to the extent possible, SJAC will direct them to relevant services. Although SJAC is not equipped to provide survivor support, SJAC is taking steps to prevent retraumatization of respondents, and provide, where possible, access to resources to address survivor needs. SJAC maintains relationships with organizations that provide medical, psychosocial, economic, safe places, and other types of support to survivors of SGBV. SJAC intends that referrals to these organizations enable the survivor to access the type of support s/he needs if available in the area, particularly after going through the difficult process of recounting the details of the abuse during the documentation interview. When a survivor provides the Coordinators with documentation, the Coordinators do not end the interview without providing the

survivor with information about nearby available resources. However, Coordinators are also trained to provide realistic expectations of those services, explaining that SJAC has no control over whether those services can or will be provided. SJAC is committed to continuing to expand its network of organizations providing survivor support.

Confidentiality

SJAC strongly enforces its policy to keep any personal information that a respondent discloses confidential, unless SJAC has obtained specific informed consent to the contrary. SJAC's commitment to confidentiality applies to family members and friends of the respondent, as well. In order to further justice and accountability mechanisms in Syria, SJAC may decide to share confidential information with actors or groups that are furthering transitional justice in Syria in a tangible way (ex. International Criminal Court). However, SJAC will not share information with groups that do not have, at a minimum, the same level of confidentiality policies in place. At the request of the respondent, SJAC will not provide the identities of those involved, but may still provide other non-identifying information if the information would be valuable to further justice and accountability mechanisms. SJAC Coordinators expressly cover this, and the desires of the respondent regarding provision of identities, when obtaining Informed Consent from survivors (see above). SJAC's Data Sharing Policy provides more details about the limited circumstances under which it will share data with third parties.

Security

Security protections have been incorporated into every aspect of SJAC's SGBV-related documentation. SJAC's overall security policy and approach are discussed above, but the following condenses SJAC's specific security procedures.

As noted above, survivors' and respondents' security is SJAC's paramount concern. Interviews are conducted in secure, private locations without the presence of third parties. Coordinators use an indexing system to conceal the identities of respondents; Coordinators use index numbers rather than names for all SGBV interviews. SJAC Coordinators also keep the occurrence of SGBV-related interviews closely guarded, and do not reveal that an interview has occurred except to other SJAC staff. Coordinators are also trained to minimize the existence and availability — in the possession of respondents, referral partners, or SJAC staff — of any documents (such as paper forms) or other materials (such as digital files, information sheets, or even records of contact information) that could alert other parties to respondents' experience of SGBV or involvement with SJAC. As a general rule, all SJAC staff are trained to maintain a low public profile, particularly in relation to SGBV documentation activities, to minimize risk in case a respondent is known to have interacted with SJAC. As for end uses of SGBV documentation, SJAC respects the confidentiality of respondents and will not share information revealed in the interview except to credible transitional justice mechanisms that uphold the same level of confidentiality as SJAC.

Hard drives containing data are kept securely with the Documentation Coordinators. If the hard drives need to be transferred, they are only transferred physically and must stay on the person traveling at all times. Only vetted SJAC staff may carry the hard drives.

Data related to SGBV is stored on an offline server located at SJAC's Washington, DC office. All SGBV documentation collected by SJAC Coordinators and from private source partners is stored on this secure physical server. The only case in which SGBV-related data might be stored on SJAC's online database is when it was originally collected from a public website. However, only a limited number of staff have access to the online database and SJAC's IT Team performs regular assessments to prevent against security breaches.

Security of SJAC & referral partners' staff is also of highest priority. SJAC Documentation Coordinators are trained to take precautions to protect their own identities. They use pseudonyms even when communicating with SJAC staff and keep a low profile within the communities in which they work. SJAC also encourages the Documentation Coordinators to use their best judgment and avoid potentially dangerous situations. As necessary, SJAC will encourage and implement the use of similar precautions when working with referral partners.

Analysis of SGBV-related Data

In addition to the Documentation Coordinators, SJAC's team of Data Analysts must also have specific capacity on issues surrounding SGBV so they can effectively analyze and catalog the documentation into SJAC's database. Therefore, training for SJAC Data Analysts includes education on why this documentation is important, and how to accurately and neutrally analyze SGBV documentation. To ensure that Data Analysts who are uncomfortable analyzing SGBV documentation or have strong biases against survivors of SGBV do not affect the quality of analysis, supervisors and senior Data Analysts carefully monitor analysis of SGBV documentation to ensure consistent and accurate treatment.

SJAC maintains two versions of its database: a cloud-based (online) version with password-controlled access and an offline database with servers housed securely in SJAC's physical office. SJAC has developed stores all data containing sensitive information (including SGBV-related violations, but also other types such as violations involving children) on the offline version of its database to ensure greater security precautions for these survivors; data stored on the offline servers is not vulnerable to online security threats and can only be accessed by SJAC staff on site. All documentation collected from non-public sources (including all SGBV documentation collected from SJAC Coordinators and other groups or individuals) is automatically considered sensitive and stored on the offline database. Once reviewed, only data that does not contain sensitive information may be moved to SJAC's online servers, whereas all documentation with sensitive information (including SGBV documentation) remains on SJAC's offline servers permanently. By contrast, documentation collected from public sources such as websites and YouTube, is inputted into the online database; but, if the Data Analysts determine that the public documentation is sensitive (e.g., it implicates violations of SGBV or children), the documentation is then transferred to the offline database even if it continues to be made public on another online source.

SJAC's IT Team conducts regular security checks of its database and retains an external cyber-security consultant on a quarterly basis to attempt to penetrate the online system. Based on the consultant's report, the IT Team makes adjustments and addresses security issues. SJAC is committed to ensuring the security of all its documentation, whether located on the online or offline version of the database.

Justice and Accountability for SGBV Violations

When SJAC staff write reports, post on SJAC's blog and other media, or actively speak out about transitional justice and accountability with both Syrians and internationals, they actively seek opportunities to include gender issues and SGBV in the discourse.

In any discussions or planning for future transitional justice mechanisms, SJAC will work to ensure that a focus on SGBV is included in any justice initiatives. SJAC will also set forth a strategy for how to use the information in its database to drive and contribute to prosecutions, memorialization, truth commissions, and/or reparations for survivors of SGBV. Based on its institutional knowledge, SJAC will do its best to ensure that justice mechanisms address SGBV appropriately and in response to the needs of survivors according to the documentation that has been collected.

Special Methodological Considerations

Certain issues that SJAC encounters in its work require additional consideration due to their sensitive or complex nature. SJAC has developed policies for how Documentation Coordinators respond to such issues when they arise. These special methodological considerations include documenting minor marriage, interviewing children, and understanding the cultural/social/religious context of the conflict.

DOCUMENTING MINOR MARRIAGES

As part of its SGBV documentation, SJAC also focuses on documenting cases of minor marriage involving (a) parties who may be held culpable for war crimes, such as government forces or rebel groups and (b) coercion or threats to the minor. This second criterion could include the survivor's family forcing a marriage between the survivor and the perpetrator or another person to 'cover' the rape, or a court sanctioning the forced marriage. Thus, Documentation Coordinators actively seek to document forced marriages that result from both social pressure and through institutions, as long as they are conflict-related and involve the types of violations (such as war crimes and systematic rights abuses by authorities) that SJAC tracks.

Although documenting abuses that happen outside of the zone of conflict is not part of SJAC's mandate, Coordinators who come across coercive minor marriages that occur in refugee camps or neighboring countries may document these instances. Coordinators may also document cases of non-coercive minor marriages that may be seen as part of traditional practice in Syria. SJAC accepts this documentation so that it can become part of historical record, and because survivors may be eligible for some form of psychological or other support during future transitional justice processes. However, since these instances of SGBV are not a focus of SJAC, documentation will likely be less frequent.

INTERVIEWING CHILDREN

Conducting interviews with children requires increased sensitivity, particularly when the subject matter relates to SGBV. Coordinators cannot assume that just because a child and/or her family express willingness to participate in an interview, it is appropriate to conduct such an interview. Furthermore, in certain situations the parents should not be present at all in the interview room, complicating the issue of informed consent. Due to the complexity and sensitive nature of these types of interviews, only Coordinators with training in or experience with interviewing children can work with child respondents. Since SJAC does not currently have anyone on staff with that type of expertise, SJAC does not interview child respondents, though this may change in the future. For the purposes of the methodology, a child is anyone 15 or younger.

UNDERSTANDING OF THE CULTURAL/SOCIETAL/RELIGIOUS CONTEXT

Many special considerations relate specifically to the cultural, societal, and religious context of SGBV documentation in Syria. In order to adequately address these considerations, Coordinators are either Syrian or have a thorough understanding of the social, cultural, and religious context of the communities in which they are gathering data. Despite the cultural context in a conservative country like Syria, Documentation Coordinators must still adhere to the ethical documentation of SGBV and cannot use language or gestures that contribute to any shame or guilt the respondent may feel.

SJAC Documentation Coordinators are trained to conduct interviews in settings that provide safety to survivors, both physical and psychological. Based on their knowledge of the areas in which they work, Coordinators determine if there are locations that are off-limits for reasons of religion, cultural significance, or notions of appropriateness. Male Coordinators are trained to be particularly aware of any limitations on one-on-one interactions with married or unmarried women, and of the possible consequences of SGBV disclosure for a respondent. Coordinators are also trained to provide multiple opportunities during an interview for a respondent to decide whether to continue. The Coordinators are trained not to shame the respondent into answering questions or apply any other pressure.

Monitoring and Evaluation

Monitoring and evaluation is critical to achieving SJAC's mission of enabling and promoting accountability and justice in Syria. Without a strong framework in place, SJAC risks falling out of step with ever-changing developments on the ground or using its resources and staff ineffectively. This is particularly true for SGBV documentation. SJAC seeks to both increase its documentation of SGBV violations and ensure that it is doing so ethically and in a way that can bring attention to SGBV in future transitional justice mechanisms. Therefore, each SJAC division and initiative has a plan for tracking progress and reporting results related to SGBV. For example, SJAC staff collect information on the number of pieces of data collected disaggregated by type of Violation which includes SGBV-related violations and also keep track of the number of Dual Referral pathways established for SGBV Violations. These indicators are then used to assess deficiencies and identifying areas for improvement — and adjusting course when necessary.

Annexes

Annex 1: SGBV Fact Sheets

The Syria Justice and Accountability Centre (SJAC) envisions a Syria defined by justice, respect for human rights, and rule of law — where citizens from all components of Syrian society live in peace.

Syria Justice and
Accountability Centre 

Documenting Sexual and Gender Based Violence

The Syria Justice and Accountability Centre faces challenges accessing survivors and witnesses of sexual- and gender-based violence (SGBV). As part of SJAC's commitment to expand and improve its ability to document SGBV — and recognizing the ethical duties owed to those who choose to come forward — SJAC had established the following practices in its SGBV documentation.

Do No Harm — The principle of “do no harm” forms the foundation of SJAC's documentation work. This means that survivors come first. If collecting documentation would put the interviewee at risk of excessive harm, or if the interviewee has extreme difficulty telling his/her account of the events, then SJAC's documenters do not continue. Additionally, SJAC makes efforts to avoid re-traumatizing the interviewee by conducting only one interview and demonstrating sensitivity during the process.

Confidentiality — SJAC has a strict confidentiality standard that applies to all of its documentation. If the information is not already publically available, SJAC does not share its information with anyone outside of the organization — unless sharing would further justice and accountability in Syria, as in the case of prosecutions or alternative justice mechanisms. Even in those cases, SJAC only agrees to share information with those who adhere to the same confidentiality standards.

Informed Consent — Prior to conducting any interviews, SJAC's documentation team first obtains signed informed

consent. Informed consent is never assumed, and requires that the interviewee is made aware of SJAC and its mission, the confidentiality standard and its limits, the possible uses of the documentation, the types of questions that will be asked, and the fact that the interviewee has total choice over whether to proceed. For children, consent is obtained from legal guardians.

Dual Referral System — After completing an SGBV interview, SJAC's documenters use a dual referral system to connect the interviewee with partner organizations (in Syria as well as in the refugee camps) that provide tailored support and treatment, including medical, psychosocial, and economic support. Likewise, many of SJAC's partner organizations inform the survivors they serve about SJAC's documentation program, providing SJAC with the opportunity to access and document accounts of SGBV.

Security — In a conflict zone like Syria, security is a top priority, particularly for more sensitive violations, such as SGBV. SJAC's documenters follow strict security protocols, from choosing the location of the interview to the manner

in which they store and secure the collected SGBV documentation. Once the documentation has been processed into SJAC's database, additional precautions are taken for data involving children or survivors of SGBV, including storing that type of documentation in a separate off-line database.

Ongoing Support — Providing ongoing support to the SJAC documentation team ensures that they are able to effectively and ethically handle the SGBV cases they encounter. While documentation team members currently undergo annual trainings that include an SGBV-related component, SJAC also plans to hire an SGBV consultant who can provide ongoing support and answer questions as they arise.

This is a summary of SJAC's sexual- and gender-based violence practices. Please contact SJAC if you have any questions or suggestions, or if you would like a copy of our detailed Gender and SGBV Policy.

Annex 2: Informed Consent Forms

Informed Consent Form

This form represents your consent to document information about abuses and violations in the Syrian conflict (your experiences or observations) with the Syria Justice and Accountability Centre (SJAC). Please take the time you need to decide whether to participate. Whether you participate is **your choice**. As a prerequisite for your participation, SJAC wishes to ensure that you are fully informed about the purposes and potential results of your participation. If you have **any remaining questions**, feel free to ask the SJAC Documentation Coordinator.

PURPOSE: SJAC is a Syrian-led, multilaterally supported nonprofit that envisions a Syria defined by justice, respect for human rights, and rule of law. SJAC promotes transitional justice and accountability processes in Syria by collecting and preserving documentation, analyzing and cataloging this data, and using it to encourage public discourse within Syria and internationally. The purpose of the documentation SJAC collects is to create a record of the conflict and to push for appropriate justice mechanisms that will respond to the needs and interests of Syrians. These could include criminal trials, reparations, missing persons programs, truth commissions, criteria for who is allowed to hold public office, and the reform of institutions.

WHAT IS INVOLVED: If you decide to participate, the SJAC Documentation Coordinator will ask you to provide details on what you saw and experienced, where the events happened, who was involved, and the physical and psychological harm that you or others endured. The questions might be sensitive and could bring back traumatic or difficult memories. Interviews generally last between 30 to 90 minutes. The Documentation Coordinator may also ask if you have pictures, videos, medical records, or other forms of documentation. You are under no obligation to share these materials, but it could help greatly in SJAC's documentation process.

BENEFITS OF PARTICIPATION: The benefits of participating in an interview with SJAC are that you 1) help build a record that can be used to drive justice and accountability overall for Syria and 2) that you have lodged your personal experience with an organization that has high chances of direct contribution to future justice mechanisms. Although lodging your story with SJAC will not by itself make you eligible for victims programs, it ensures that your story is on the record and increases the chance that a future justice mechanism will actually see and address the violations you experienced or observed. However, SJAC cannot guarantee that you will personally experience direct benefits from participating. The benefits, if any, will most likely be seen in the long term, and you will receive no monetary compensation for your participation in the interview.

RISKS: Participating in the interview involves some risks. SJAC takes significant precautions to ensure your safety both during and after the interview, but the ongoing conflict creates a high degree of insecurity. There is a risk that the security precautions SJAC has in place are subverted and your documentation or personal information is obtained by individuals who could cause physical or psychological harm to you or your family. There is also a risk that by recounting the details of your experience or observations, you may re-experience psychological trauma. There may also be other unexpected risks that SJAC cannot predict.

CONFIDENTIALITY & SECURITY: We will take the following steps to keep information about you confidential, and to protect it from unauthorized disclosure, tampering, or damage: 1) the interview location is secure and private; 2) the Documentation Coordinator does not speak about the interview to anyone outside of SJAC; and 3) your information is stored on hard drives and in a database that are kept safe and secure. Furthermore, SJAC will not share your interview, or other information about you, with any person or institution unless SJAC receives a formal request for data from an institution with the capacity to use the data for justice and accountability purposes and the institution follows confidentiality and security protocols that are as strict or stricter than SJAC's. *****By consenting to this interview, you acknowledge that SJAC may possibly share documentation of this interview with institutions that meet these criteria, and that this means there is a chance that persons acting on behalf of these institutions will try to contact you in the future.*****

YOUR RIGHTS: The interview is voluntary. You have the right not to participate and can end the interview at any time. Refusing to participate will not result in any penalty, and will not harm your relationship with SJAC.

Name or Index # of Participant: _____

Signature: _____ Date: _____

Obtaining Informed Consent
Checklist for Documentation Coordinators

Informed Consent Obtained by: _____ **Date:** _____ **Respondent (Name or Index #):** _____

Checklist:

When was Informed Consent obtained? *Informed consent is REQUIRED for all SJAC interviews. This must be done BEFORE the interview; in cases where this is not possible, Coordinators must attempt to obtain informed consent after the interview.*

- Prior to interview
- After interview
- After interaction with third party

How was informed consent obtained?

- An official SJAC Informed Consent Form **BEST OPTION** (If the respondent cannot read the informed consent, you must verbally read it to him or her)
- A handwritten informed consent (the handwriting says that the respondent has understood the purpose, benefits, and risks of documentation as well as SJAC's confidentiality and security policies and their right to not participate)
- Filmed on Video (you must explain the informed consent on video)
- Voice Recording (you must explain the informed consent while recording)
- Emailed informed consent (only use this option if it is the only way to obtain informed consent)

How is the respondent identified? *A signature or recorded/filmed acceptance signifies consent so it is very important. If the respondent does not wish to be identified, you must assign a number to his or her file. The number corresponds with the name.*

- Signed and Dated
- Index # and Dated
- Filmed with face showing in video – verbally says “I agree to be documented”
- Filmed without face showing, index # spoken – verbally says “I agree to be documented”
- Voice recording with name – verbally says “I agree to be documented”
- Voice recording without name, index number spoken – verbally says “I agree to be documented”

Discussed with Respondent? *Give the respondent enough time to read the form. If the respondent cannot read, then read the form to them. After s/he has finished reading, go through each section, explaining the points. During and after this explanation, ask if the respondent has any other questions.*

- General information about informed consent
- Purpose of Documentation (SJAC will USE this documentation to push for justice and by documenting with SJAC respondent's experience has a greater likelihood of coming into the hands of any future justice mechanism)
- What Is Involved in Documentation
- Benefits of Participation (manage expectations and be clear that SJAC cannot guarantee that the respondent will every directly benefit – possible that justice mechanisms are never established)
- Risks (explain each risk even if it seems obvious)
- Confidentiality and Security (explain beyond what is in the form – the personal measures you take to ensure security)
 - Remember to be VERY clear that SJAC may share information in LIMITED situations and that they MAY be contacted at a later date (by a prosecutor for example)
- Respondents' rights (interview is voluntary; if respondent chooses to end the interview in the middle, do not pressure the respondent to stay or to answer any questions that s/he does not feel comfortable with)

Annex 3: Example SGBV Interview Questions