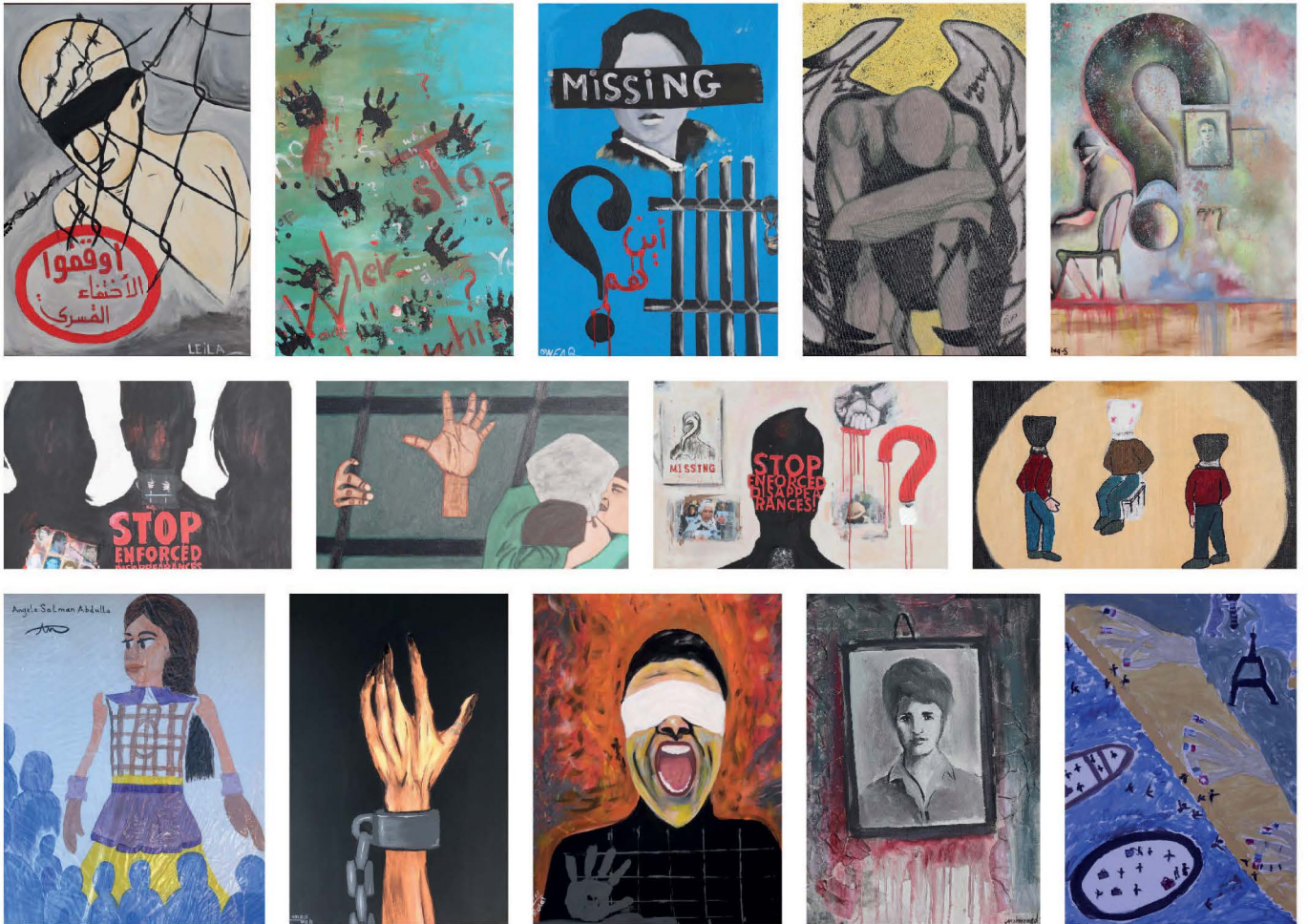


FAMILY RIGHTS

SHORT GUIDE FOR FAMILIES OF THE MISSING



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YOUR RIGHTS AT A GLANCE

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- ▶ You have **the right to the truth** about the fate and whereabouts of your disappeared family members and the circumstances in which they disappeared or went missing.
- ▶ You have **the right to an effective and official investigation** into the fate and whereabouts of your missing family members, and the circumstances of their disappearance.
- ▶ You have **the right to seek, receive, and impart information**, including across borders.
- ▶ You have **the right to form associations** and communicate with international agencies.
- ▶ You have **the right to family life**, to communicate and visit your family members. Your children have the right not to be separated from you against their will.
- ▶ You have **the right to effective access to justice** and adequate reparations for harm suffered.
- ▶ You have **the right to access, change, delete any personal information** you provide to others, and to control with whom they may share your information.
- ▶ You have **the right not to be discriminated against** on any grounds, such as gender, religion, ethnicity, or political affiliation, when you are exercising your rights and freedoms.

WHY THIS GUIDE?

The International Commission on Missing Persons (ICMP) has prepared this short Guide to provide you with straightforward information about your rights as the family member of a missing person under international and national law. This Family Guide also indicates where you may be able to find help if your rights are not upheld. In addition, this Guide outlines how you, as a family member, can contribute to ensuring that authorities will respect your rights.

We have worked with families from around the world who have been on a similar journey and we know that the pursuit of answers from authorities and others is sometimes met with indifference or obstruction. We also know that many individuals who are searching for family members may face discrimination based on their nationality, religion, gender, political beliefs, or other factors under the law.

The information in this Family Guide will help you to address challenges you may face and make your voice heard; it will shed light on how you can find assistance to accessing your rights and how science and technology can play a role in accounting for missing persons and upholding your rights.

WHO IS A FAMILY MEMBER?

A family member is someone who is linked to the missing person by blood or by social family structures. This includes biological children, adopted children and stepchildren; life partner/ spouse; parents (including mother-in-law, father-in-law and adoptive parents); and brothers and sisters born of the same parents or different parents or adopted. This inclusive definition may not apply to you in some countries. For international help see below: WHERE CAN I FIND HELP.



FAMILY RIGHTS



RIGHT TO TRUTH

You have the right to know the truth regarding the progress and results of any investigations conducted by the authorities to establish the fate and whereabouts of your disappeared family member and the circumstances in which they went missing. This right is enshrined in Article 24 of the UN International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), among other international documents.

Families have the right to seek and receive information about investigations that have been or are being conducted, and to access all relevant archives and locations where the missing person might be found. If the missing person is deceased, families have the right to receive a report that explains the circumstances of the disappearance, including the cause and manner of death.

If the authorities withhold information about missing persons from their family, the family has the right to object. Withholding such information may amount to cruel and inhumane treatment, which is a violation of the prohibition of torture, under Article 7 of the International Covenant on Civil and Political Rights (ICCPR). The prohibition of torture is an absolute norm of international law.



RIGHT TO EFFECTIVE INVESTIGATIONS

Everyone's right to life, liberty and security is protected by law. This means that no one may be arbitrarily arrested or detained. It also includes not being subjected to enforced disappearance or detention in a secret location. The right to life, liberty and security also entails your right as the family member of a missing person to obtain an effective investigation into the fate and whereabouts of your missing relative, and the circumstances of the disappearance. These rights are protected under Articles 6 and 9 of the ICCPR.

Effective investigations must be official, independent, impartial, finalized in a timely manner, and capable of establishing the facts and circumstances in each case. Investigations should also be able to contribute to bringing those responsible to account.

You can initiate an official investigation by reporting to the authorities that your relative is missing. However, the authorities are obliged to begin an impartial investigation as soon as they become aware of a possible disappearance, or a person going missing under potentially threatening circumstances, regardless of who committed the violations and abuses. The same applies to the authorities becoming aware of locations of hidden graves or secret detention places or other places where missing persons might be found.

Investigations must also be transparent, and you have the right to observe or participate in locating and identifying your missing relative. Certain specific rules at crime scenes or gravesites may apply, such as cordoning off the area and limiting access by family members to sites under investigation. This is normally done in order to protect you against harm, to secure the effectiveness and integrity of the investigation and to protect evidence that could establish the cause and manner of disappearance of your missing loved one.

Professionals involved in the investigation must minimize any harm that may result from the process, especially harm to the physical and mental well-being of family members. They must communicate appropriately the reason for limiting your access to sites under investigation.

The UN Minnesota Protocol on the Investigation of Potentially Unlawful Deaths is a useful manual you can use. Among other things, this Protocol explains the rights of family members of missing persons during investigations into the fate and whereabouts of their loved ones. It also offers guidance and best practice to individuals and professionals involved in the investigative process. Being familiar with best practice related to investigation processes will put you in a better position to know your rights and advocate accordingly for your rights.



RIGHT TO SEEK AND SHARE INFORMATION

You have the right to share information with whomever you may choose, the freedom to seek, receive and impart information, including across borders, and the right to access and communicate with international agencies. The right to seek and share information includes reporting about missing relatives and sharing necessary personal information to facilitate locating your missing relative.

You also have the right to associate freely at home and across borders and with international agencies for the purpose of supporting and forming organizations and associations of families of the missing, and documenting and sharing information.

You should be mindful that any exercise of the right to share and seek information carries with it duties and responsibilities to respect the rights of others, especially privacy rights. For instance, sharing personal information concerning another person, including information about a family member can breach privacy rights, unless the missing family member is considered to be at risk.

The rights and freedoms related to seeking, receiving, and imparting information are asserted in Article 19 of the ICCPR.



RIGHT TO FAMILY LIFE

Missing persons and their family members have the right to family life and family reunification. This includes your right to maintain family relationships, communicate, visit, and correspond with your family members and not to be separated from your family members.

Failure by the authorities to allow communication with your family is a violation of this right and could amount to cruel or degrading treatment. Detained persons also have the right to be visited by and to correspond with relatives, subject to reasonable conditions and restrictions as specified by law or lawful regulations. Women are most often affected by the disappearance of family members and could suffer additional forms of intimidation and persecution arising from such disappearances.

Children also suffer from the disappearance of their parents, and their right to remain with their family is jeopardized by the disappearance of their family members. The loss of a parent through disappearance is also a serious violation of a child's human rights. Children have the right to family relations as recognized by law without unlawful interference as well as the right not to be separated from their parents against their will, except on specific grounds deemed in the best interest of the child.

These rights pertaining to family life and family unification rights are asserted in the ICCPR as well as the International Convention on the Rights of the Child.



RIGHT TO EFFECTIVE REMEDY AND REPARATIONS

You have the right to equal and effective access to justice, adequate and prompt reparation for any harm suffered, and access to relevant information concerning violations and all available reparations mechanisms. As the family member of a missing person, you have the right to remedy and reparations to address mental, physical, or economic harm you have suffered as a result of the disappearance of your relative.

Remedies and reparations aim first of all to restore the situation before disappearance occurred. If restoring the original situation is not possible, remedies and reparations to family members of the missing can take other forms such as:

- ▶ Compensation
- ▶ Rehabilitation
- ▶ Satisfaction
- ▶ Guarantees of non-repetition

Asserting and defending the right to effective remedies and reparations is among the greatest challenges faced by families of the missing. Advocating collectively with other families of the missing through, for example, family associations and seeking the support of specialized organizations can strengthen your voice and your efforts to have your rights recognized by the authorities through legal and administrative measures as well as ensuring the effective implementation of your rights.



RIGHT TO PRIVACY

Your right to privacy consists of your right to determine freely and for yourself what personal information is communicated to others.

Accordingly, any personal information you provide in relation to your missing relative should be used only with your free and informed consent.

Informed consent means that you understand in detail:

- ▶ Who will receive the information that you provide
- ▶ For what purposes the information will be used
- ▶ How the information will be managed and protected

In addition, you as the family member of a missing person should always be able to:

- ▶ Control personal information related to yourself and your missing relative
- ▶ Have the ability to access, update, amend or withdraw such information as you deem necessary
- ▶ Ensure that personal data, including the nature of family relationships, will only be accessible to those who need to see it for the purposes for which the information was collected
- ▶ Ensure that your personal data will be deleted once it is no longer needed, for instance because your missing relative is found

Sensitive personal information such as medical conditions or DNA samples and profiles must be accompanied by your **written consent and include the information above**. Your right to privacy is a fundamental human right recognized in Article 12 of the Universal Declaration of Human Rights, which underpins human dignity, autonomy, and liberty.



RIGHT TO EQUALITY AND NON-DISCRIMINATION

The principles of equality and non-discrimination apply to all rights and freedoms. All persons enjoy, without discrimination of any kind, fundamental rights, without adverse distinction and regardless of:

- ▶ Political or other opinion
- ▶ Association with a national minority
- ▶ Birth, age, sex, sexual orientation, gender identity, marital status
- ▶ Religion or belief
- ▶ Race, color, language, ethnicity, caste, national or social origin
- ▶ Physical or mental disability, health status

This applies, for example, to your right to seek to know the fate, whereabouts, and circumstances of disappearances of missing relative without any discrimination based on your political opinion or affiliation. It also applies to your right to associate and advocate for the rights of your missing loved one without any distinction related to the missing person or the family, such as race, religion, national or social origin or other status.

The principle of equality is frequently difficult to realize where large numbers of persons have gone missing, whether following armed conflicts or as a result of organized crime or disasters. International cooperation can help to reduce inequality in such scenarios through the provision of support and assistance to all persons and groups affected, but specifically those who are marginalized politically, economically, socially or for other reasons.

The principles of equality and non-discrimination are established in the Universal Declaration of Human Rights and the ICCPR.

WHERE CAN I FIND HELP?

There are various legal and administrative processes to access your rights. Generally, you should be able to report a missing person to the police, another law enforcement entity, or a national human rights or specialized national institution.

Reporting missing persons to national authorities might not always be possible, safe, or sufficient. You may decide to turn to international bodies and other organizations that work on the issue of missing and disappeared persons. These include courts and investigative institutions, human rights and humanitarian organizations, and advocacy groups. The following organizations can be contacted by anyone and may be able to assist:

You need to be aware that reporting a missing persons may place you and the missing person at risk. International Organizations can help. You should always ask with whom your information is shared and for what it is used. For assistance on reporting missing persons, or to learn more about international resources available to you, you can contact ICMP via the [OIC](#) web-page, or by email at ic@icmp.int.

COMMITTEE ON ENFORCED DISAPPEARANCE (CED), UNITED NATIONS

The CED is a human rights treaty body established by the ICPPED. In accordance with Article 31 of the ICPPED anyone can submit a complaint to the CED asserting a violation of rights guaranteed by the Convention, if the State concerned has accepted the competence of the CED to examine individual complaints. A few, mostly European and Central and South American countries, have done so. A list of these countries is available at the [CED](#) webpage.

INTERNATIONAL COMMISSION ON MISSING PERSONS (ICMP)

Family members and others may report a missing person to ICMP, an intergovernmental organization that works with governments and others to locate missing persons. Family members and others can provide information to ICMP's Integrated Data Management System (iDMS), which can then be used in investigations. ICMP might also ask you to provide samples of your DNA, for the purposes of being reunited with a missing relative (for example a child), or to help identify missing persons who are no longer alive. ICMP will not share or otherwise process your information without your consent. You can report missing persons using ICMP's Online Inquiry Center ([OIC](#)).

INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC)

The ICRC is an independent, neutral organization that ensures humanitarian protection and assistance for victims of armed conflict and other situations of violence. The ICRC has a Restoring Family Links program, which is designed to locate persons who have been separated from their families and to put them back into contact with their relatives. The ICRC's Central

Tracing Agency (CTA) helps to prevent family separation and disappearance by collecting and transmitting information as a neutral intermediary. You can report missing persons to the [CTA](#) online.

INTERPOL

INTERPOL is an international organization that works primarily with national law enforcement agencies, especially police. INTERPOL uses a system of Notices to issue international requests for cooperation or alerts, allowing police in member countries to share important police-related information. Yellow Notices are used to communicate information about missing persons. On the INTERPOL website, it is possible to search the Yellow Notices. INTERPOL also operates a database called I-FAMILIA. You may submit your DNA sample for matching to [I-FAMILIA](#). You need to contact your national police to do so.

INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)

IOM is the leading organization within the United Nations system working to promote and support orderly, dignified and humane migration. It also works on issues related to missing migrants through its Missing Migrants Project and to produce a public online database. [IOM](#) does not directly conduct activities to locate missing persons. However, it provides information on resources for families globally and regionally relating to persons who have gone missing while migrating.

WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES (WGEID), UNITED NATIONS

You may report a missing persons case directly to the United Nations WGEID. The [WGEID](#) does not itself carry out investigations but assists families in their communications with the government concerned. The WGEID examines and transmits to governments reports of enforced disappearances, asking governments to carry out investigations and to inform the WGEID of the results.

REGIONAL INTERNATIONAL COURTS have accepted complaints concerning missing and disappeared persons. They include the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Court on Human and Peoples' Rights through the African Commission on Human and Peoples' Rights.

You must have exhausted all available legal remedies at the national level before your complaints regarding a human rights violation can be accepted by an international court. Regional international courts have rendered judgements against states for the failure to investigate in an effective manner persons disappearing and going missing and for violating the prohibition of torture and inhumane treatment in respect of families of the missing who are left without answers, in addition to other human rights violations.

You may also turn to organizations providing specialized legal assistance, such as legal advice and litigation of cases before international courts as well as mental health and psychosocial support, in the course of your journey in realizing your rights.

UNITED NATIONS REGIONAL INTERNATIONAL INVESTIGATIVE MECHANISMS (IIM) dealing with cases of missing persons within their mandate include:

- The [IIM](#) to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011
- The United Nations Investigative Team to Promote Accountability Against Da'esh/ISIL Crimes ([UNITAD](#))
- The Independent Investigative Mechanism for Myanmar ([IIMM](#))

These mechanisms assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in a particular region. While these mechanisms focus on investigating possible crimes, they increasingly take initiatives concerning missing persons and open their databases to reports on disappearances. They also often cooperate with other international organizations, such as ICMP, to ensure that their databases support processes to locate missing persons.

CIVIL SOCIETY ORGANIZATIONS (CSOs)

CSOs can also help you to:

- Report your missing loved one to international agencies and organizations
- Provide guidance and information on possible assistance you may obtain at the national and international level
- Provide training and information on the exercise of your rights
- Facilitate your access to international organizations and agencies

Many CSOs working on the issue of missing and disappeared persons belong to regional coalitions or federations of organizations and associations. These regional groups are an invaluable source of information, including guidance to smaller organizations or chapters.

Some of these include:

- The International Coalition Against Enforced Disappearances ([ICAED](#))
- The International Federation for Human Rights ([FIDH](#))
- The Latin American Federation of Associations of Relatives of Disappeared-Detainees ([FEDEFAM](#))
- The Asian Federation Against Involuntary Disappearances ([AFAD](#))
- The Euro-Mediterranean Federation against Enforced Disappearances ([FEMED](#))
- Regional Coordination Network for the Western Balkans
- The Policy Coordination Group for Syria

THE ROLE OF SCIENCE AND TECHNOLOGY

Modern science and technology tools are a crucial component in accounting for missing persons. Through clearly defined procedures, they can establish facts, including legal evidence to:

- Reunify families through DNA comparison,
- Determine cause and manner of death,
- Produce evidence for accountability and justice, including establishing the severity and scale of human rights violations and abuses, and
- Ensure that the historical record is correct regarding what actually took place.

Forensic investigations compare personal data about missing persons provided by their relatives with data obtained from other sources. For instance, a photograph that you provide of your missing relative can be combined with other photographs through facial recognition technology or with other information provided by someone who might have seen your missing relative.

DNA analysis can establish family relationships to enable missing persons to be reunited with family members. Where a missing person could be deceased, DNA analysis constitutes one of three accepted human identification methods, the others being fingerprints and dental analysis. The DNA of a family member of a missing person can be compared with DNA from unidentified human remains.

While the capacity of biological evidence to identify victims and perpetrators has increased, no legal right to DNA analysis has been established yet.

In most cases, it is government and judicial institutions, domestic and international, that have the capabilities and resources to ensure that investigations deliver consistent results.



What Happens to Information that I Provide

01

Report Missing Person

You or your representatives can report a person as missing to the authorities or an international organization and provide your contact details.

02

Open Investigation

The authorities will open an official investigation. International organizations can help the authorities with the investigation.

03

Collect Information

Depending on the circumstances you will be asked for additional information, such as photographs, a description of the person or a sample of your DNA.

04

Process Information

The information is placed in a database using standard formats, such as the legal expressions for crimes or series of numbers for DNA data.

01

Report Location

Anyone can report a location where missing persons may be, such as prisons, forced labor locations, crime scenes, secret graves.

02

Confirm Locations

The authorities will examine reports of locations where missing persons may be. They go to these locations, inspect prisons or test the ground for graves.

03

Collect Information

Persons found alive will be asked to tell what happened. Unidentified human remains will be examined for injuries and DNA will be taken.

04

Process Information

The information is placed in a database in standard formats, such as scientific language for injuries, legal description of crimes or numbers for DNA profiles.

Information in a standard format in one database can speak to standard information in another database.

Together both become information on the missing person.

The issue of missing persons is a challenge that affects all countries, whether rich or poor in the global south or north. Persons go missing as a consequence of conflict, human rights abuses (including enforced disappearance), natural and manmade disasters, organized crime, immigration, and other causes. There are processes and instruments to address the problem in an effective way, but they are not applied everywhere. The Standard Model developed by ICMP aims to outline these processes and instruments.

The Standard Model shows that processes to locate missing persons involve information from two sources:

- Someone – for example, you – reports a person as missing and provides information, such as the person’s name and place of disappearance,
- Someone – for example, you – reports a location where missing persons may be, such as a secret prison or grave.

This information needs to come together. This is done through databases that use a common language to process the information received from both sources. That common language uses scientific, legal, medical and other standard terms that are universal. In this way large amounts of information can be compared to locate the missing.

In many parts of the world these processes may not be fully available. There will be gaps caused by obstruction and lack of political will. However, very often information that you and others provide is not processed by the authorities in a manner that produces results. This can be improved through better international and national cooperation, better data processing and data protection.

WHAT CAN I DO?

You can play an important role in ensuring that your rights are recognized and upheld by calling for effective investigations that are capable of establishing the facts.

- ▶ You can report and document human rights violations and advocate for the establishment of public institutions that will uphold human rights and that deserve the public trust. This often requires legal reforms or new legislation guided by international conventions and other instruments that include guarantees related to the missing and their families.
- ▶ You should participate in mechanisms such as those described above that provide and collect data on missing and disappeared persons and contribute to establishing central records of missing persons. You can help to solicit views from communities with missing persons on the functions of any such mechanisms.
- ▶ You should seek to observe investigative work at locations where missing persons might be found, including detention facilities or illicit gravesites when it is safe to do so for you and others.
- ▶ You should contribute to shaping policies to create processes and laws to uphold your rights and to secure reparations and remedies for harm suffered, economic loss and other substantial violations and abuses of fundamental rights. Remedies and compensation are essential investments in establishing and maintaining peace.
- ▶ You may be able to provide evidence and testimony at trials and participate in other mechanisms aimed at holding perpetrators accountable.

International Conventions such as the ICCPED and the ICCPR are important tools for addressing the issue of missing persons and preventing the recurrence of violations and abuses. Their effective implementation can require legal and institutional reforms at the highest level. For example, these reforms can require that new institutions are created, such as human rights commissions or other legal review bodies. Families of the missing can contribute to the establishment of such institutions and work through advocacy, forming associations and participating in processes to locate the missing through local and international institutions that reinforce the responsibility of the state to account for missing persons. The [ICMP Paris Principles](#) outline the responsibilities of the state concerning missing persons and your rights.

CASE STUDY: FAMILIES OF THE MISSING IN SYRIA

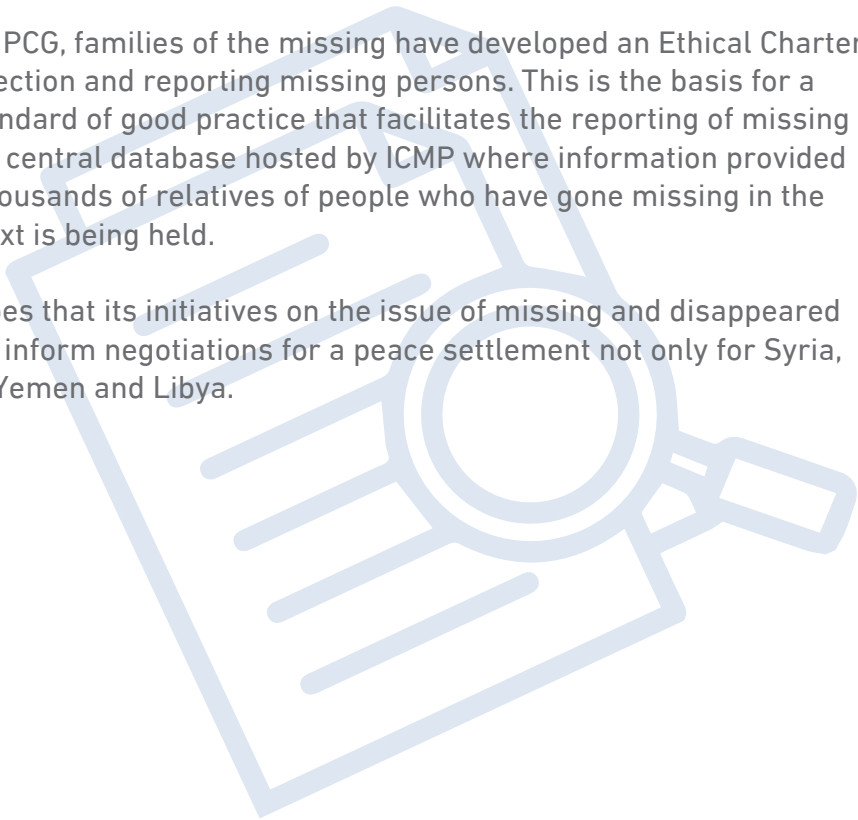
More than 100,000 people are missing as a result of violent conflict and widespread human rights violations in Syria. Families of the missing and CSOs have formed a Policy Coordination Group (PCG) for Syria's Missing and Disappeared Persons, a Syrian-led initiative on the missing and disappeared. The PCG aims to:

- Amplify the voice of Syrians in the discourse on missing persons taking place at the regional and international levels
- Provide consensus and recommendations in supporting the immediate needs of family associations, CSOs and local actors in data collection, the collection of ante-mortem and post-mortem data, the safeguarding of evidence and any other means to find missing and disappeared persons that stand legal scrutiny
- Establish an operational framework to deal with mass and clandestine graves
- Advance a shared policy position on addressing the issue of documentation and data governance
- Develop broader recommendations and a policy framework for an official Syrian missing persons process for inclusion in a future peace agreement and constitution, and to contribute to the development of purpose-specific legislation and institutions and measures for reparations

Through policy papers prepared by the PCG, families have proposed political and legal reforms, including provisions for investigating the circumstances of disappearances, and the creation of a Missing Persons Commission to support and coordinate future judiciary-led investigations. The PCG has also developed constitutional principles on the issue of missing persons which should be part of a future Syrian constitution.

Through the PCG, families of the missing have developed an Ethical Charter for data collection and reporting missing persons. This is the basis for a common standard of good practice that facilitates the reporting of missing persons to a central database hosted by ICMP where information provided by tens of thousands of relatives of people who have gone missing in the Syrian context is being held.

The PCG hopes that its initiatives on the issue of missing and disappeared persons will inform negotiations for a peace settlement not only for Syria, but also for Yemen and Libya.



ANNEX
ETHICAL CHARTER
– DATA COLLECTION
AND DOCUMENTATION
OF SYRIA'S MISSING

ETHICAL CHARTER – DATA COLLECTION AND DOCUMENTATION OF SYRIA'S MISSING

INTRODUCTION

1. The present Charter contains the ethical standards and codes of conduct to be followed when dealing with missing persons, their families and witnesses, during data collection and documentation. This is achieved by prioritizing the rights of victims, ensuring that activities are carried out within a rights-based approach and that data is processed in a lawful manner, while maintaining confidentiality, transparency, neutrality and non-discrimination. These principles apply to all forms of data and evidence, from verbal testimonies to the handling of human remains in mass and clandestine graves.
2. The present Charter adopts a broad definition of the term “victims”, as set out in Article 8 of the 2006 United Nations General Assembly Resolution 60/147 on the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. According to this definition, victims “are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term ‘victim’ also includes the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.”
3. The International Commission on Missing Persons (ICMP) defines a “missing person” as anyone whose whereabouts are unknown and who is being sought by another person or other persons. Also, a missing person, according to Article 202 of the Syrian Personal Status Law of 1953, “is any person whose life or death has not been confirmed, or whose life is confirmed, but whose whereabouts are unknown.” For the purposes of this Charter, this includes all individuals who have gone missing inside Syria and all Syrians who have gone missing either inside or outside of Syria for various reasons, including extrajudicial killings, enforced disappearances, arbitrary detentions or along migratory routes.

THE BACKGROUND AND THE NEED FOR AN ETHICAL CHARTER

4. Following a decade of conflict where state and non-state actors committed gross human rights violations including the abduction and enforced disappearance of tens of thousands of persons, Syrian and international actors have engaged in significant efforts to collect data and document the crimes committed. As a result, the conflict in Syria is among the best documented in modern history.

5. Despite these critical and often heroic acts, there has also been a weakening of trust between victims and data collectors, which has affected the availability and integrity of data. Many factors contribute to this reality, including the lack of coordination between actors, which has led to duplication of data, redundant collection efforts and re-traumatization of victims. Lack of adequate training for data collectors is another factor, particularly with regard to standards of interaction between victims and families, which has led to false promises, heightened expectations, and attempts to prevent victims from communicating with each other and with international and other organizations. Lack of experience and professionalism has also led to a failure to adequately address social stigma - which primarily affects women - that results from sexual and gender-based violence or the assumption related to both types. In addition, the failure to preserve and protect evidence, for example through unprofessional exhumations of mass and clandestine graves, threatens the integrity of that evidence, including the identification of the remains recovered from those graves. Furthermore, not all actors have the capacity to adequately protect sensitive data in accordance with international data protection standards, particularly with regard to data security, minimization, retention, and ongoing monitoring of personal data. Finally, the issue of documentation and data collection has sometimes been addressed separately from the needs of victims, including legal, medical, psychological, social, financial, and protection services, resulting in increased trauma and harm to victims.
6. The present Charter establishes a set of ethical principles as both guidance and best practices for engaging in documentation and data collection. While some of these principles are enshrined in international instruments, others reflect lessons learned after a decade (and more) of documentation and data collection in Syria and among Syrians. All Syrian and international organizations, and others involved in data collection should uphold these principles to ensure the highest standards in the treatment of victims. These principles should also guide the work of other actors providing services and assistance to victims, such as those providing referral services. In addition, and most importantly, victims themselves, including families of missing persons and survivors as well as witnesses, should refrain from participating in any documentation process that does not adhere to these principles.
7. To ensure that these principles are followed and respected when collecting data and documenting cases of missing persons in Syria and among Syrians, all relevant organizations and agencies shall:
 - Publish this Charter on their website as a form of confirmation of their commitment to these principles;
 - Take all necessary administrative and regulatory measures to ensure that the principles of this Charter are included in their policies and regulations, including conducting training and instructing workers, volunteers, and other contracting parties to respect and apply the above principles in the field, and also to verify that they have not committed human rights violations before contracting or dealing with them;
 - Establish an internal monitoring and accounting mechanism that guarantees confidentiality to ensure compliance with the provisions of this

Charter by workers, volunteers, and other contracting parties, as well as to receive complaints concerning any violation of these provisions and to take the necessary measures to remedy the situation;

- Continue to develop these principles in the field on an ongoing basis as the circumstances and the work environment changes, always in the interest of victims and the requirements of justice.

8. Donors and/or organizations providing grants for data collection and documentation should also:

- Require any organization or recipient to commit to these principles in advance of providing financial support;
- Provide financial support and/or develop technical programs necessary to train those involved in the organizations to adhere to these principles in their documentation and data collection efforts. In light of the financial burden of abiding by these principles, provide additional financial support to organizations for the implementation of these principles.

THE PRINCIPLES

1. Prioritizing the rights of victims: The primary objective of documentation and data collection is the pursuit of justice including uncovering the truth on the fate and circumstances surrounding the disappearance, and by ensuring reparations and holding perpetrators accountable. As stated in the Charter for Truth and Justice, issued in 2021 by a group of victim and family-led organizations, “there can be no true process of accountability and justice without placing the victims and their families at the center of the process, as victim-centered justice that takes into account their needs, vision and priorities ensures sustainability and peace.”
2. A clear objective, a defined strategy and a legal framework: Any organization or actor involved in documentation or data collection - including the opening of mass or clandestine graves and/or the collection of genetic data - shall have: 1) in advance, a comprehensive and clear victim-centered objective and approach; 2) a defined strategy for the use of data collected, in accordance with the objectives set forth in the previous principle; and 3) a legal framework formally adopted by the organization for the conduct of its operations, in which the legally competent authority is determined as the main duty bearer to search and investigate the cases of the missing according to international provisions, to hold the organization accountable before the victims and to provide them with a form of remedy for any damage that resulted or may result from its actions.
3. Safeguarding evidence: Prior to collecting data, an organization should ensure that it can do so while safeguarding evidence and storing data securely. Collecting the largest amount of data may not always be the wisest course of action. In the case of oral testimonies, it may expose victims or witnesses to unnecessary re-traumatization or result in inconsistent testimonies and uncredible witnesses during justice processes. In the case of human remains, the unprofessional exhumations of mass and clandestine graves can destroy potential evidence.

4. Transparency: Detailed information about the documenter shall be provided, including their full name and the name and scope of work of the organization they are working with, as well as the purpose and objective of the data collection process. Victims or witnesses shall also receive a detailed explanation on the possibility of reprisals or other risks of data processing. The party and purpose of the party receiving the data shall also be specified. In addition, the victim or witness shall be informed of the confidentiality measures followed and the subsequent steps of the documentation process.
5. Informed consent: The actor or documenter shall obtain the prior informed consent of victims, their representatives or the witness, in order to process their personal data and to record and/or film the interview (depending on the purpose of the interview), or before providing information to any person or organization that processes such data. The consent of parents or legal guardians shall also be obtained in case of participation of persons in need of representation or minors, so that their best interests are given priority. Where the processing of data is necessary to protect the interests of the data subject or any other person whose consent cannot be obtained, the party processing the data must justify this, and must constantly seek such consent and cease processing the data if consent is refused.
6. Confidentiality: Information shall be kept confidential, stored in a secure location and shared only with the party approved by the victim or witness. The identity of the victim/witness shall not be disclosed to any party without their prior consent, and the party to whom the information is provided shall commit to not share it with any other party without the prior consent of the data subject. Organizations must follow strict rules regarding confidentiality, anonymity and disclosure, both externally, in their dealings with others, and internally, by minimizing the number of employees who have access to information.
7. Do no harm: The safety of the victim/witness and the person involved in the collection shall be ensured, and every effort shall be made to reduce risks or any unintended adverse effects of activities that may increase exposure to risk. In order not to cause harm, the aforementioned principles of confidentiality and informed consent shall be observed by all those involved in the collection of information, such as translators and all those who obtain the information.
8. Sensitivity and appropriate treatment: The risk of re-traumatization shall be avoided when collecting information from victims or witnesses, especially children and those suffering from the effects of trauma; this may require stopping documentation and referring them to specialists that can provide psychological, legal, material, social and medical assistance. It is also imperative to respect the dignity and privacy of the victims or witnesses, to give them the opportunity to refrain from answering any questions or to withdraw their consent to the dissemination of information or recording at any time, as well as to give them the opportunity to express their opinions and concerns, which shall be taken into account.

9. Neutrality and non-discrimination: Absolute neutrality shall be observed in dealing with others and one shall refrain from judging, holding accountable or taking sides with a specific party. This shall be achieved by documenting violations committed by all parties - taking into account the competence of the organization with which the documenter works - and committing not to discriminate between victims or perpetrators, whether on the basis of religion, sect, gender, race, political opinion, geographic area or any other basis.
10. Protection of women: Women's rights shall be protected in all stages of data collection, and the particular vulnerability of women who face social stigma as a result of their arrest or disappearance shall be taken into account. Women shall be given special protection during information collection, and documentation efforts shall be coupled, if possible, with additional psychological or social support. This may require giving women who provide information the opportunity to choose the gender of the documenter, translator and other assistants, in addition to carefully selecting those who work with victims of sexual violence and ensuring that they are well trained and have the appropriate skills to deal with disclosure and referral cases in a sensitive and professional manner. In addition, data collectors and organizations working with women should consider undertaking awareness-raising activities for affected women, families, and communities to combat social stigma.
11. Familiarity with the Syrian context: The Syrian context and its cultural, social, political, and legal complexities, including the background and circumstances of missing persons, must be well known to documenters and data collectors in order to build trust with victims and witnesses and ensure accurate and complete documentation and data collection.

This Charter shall be deposited with the General Secretariat of the Policy Coordination Group for Syria's Missing and Disappeared Persons. Organizations that comply with the requirements of the Charter shall notify the depository accordingly as well as post it on their website.



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