

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

**I. 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.

**II. 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 observe the following:
  - 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.

### III. THE PRINCIPLES

1. Prioritizing the rights of victims: The primary objective of documentation and data collection is the pursuit of justice including when applicable the release and restoration of rights of the forcibly disappeared and abducted, or by 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.