

THE GUIDELINES FOR THE PARTICIPATION OF VICTIMS IN THE INTERNATIONAL MECHANISM FOR THE DISAPPEARED IN SYRIA



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The following guidelines aim to consolidate the right to the participation of victims and their families in the search for their disappeared and loved ones in Syria, specifically in the context of a future international mechanism for the search for missing persons, and to emphasize that the right to participation is a remedy for victims, which can constitute an incentive's form for the rehabilitation and empowerment of victims and contribute to a sense of justice.

Introduction

The present guidelines for the participation of victims in the search for the disappeared reaffirm the central role that victims have played in the search for the disappeared persons in Syria since 2011, and that must be recognized and consolidated within the structure and work of a future international mechanism for Syria.

The guidelines aim to consolidate in the Syrian context the right to participation of victims in the search for the disappeared, and specifically in the context of a future international mechanism to search for the disappeared. Within this context, we reaffirm the nature of the right to participation as a form of remedy for victims, which can in itself constitute a form of rehabilitation and empowerment of victims and can contribute to a sense of justice. In the specific context of Syria, we recognize the critical role that active and meaningful participation can play to remedy the suffering caused by more than a decade of seeking information while facing the refusal to provide information by perpetrators.

The present guidelines are based on Articles 24 and 18 of the International Convention for the Protection of All Persons from Enforced Disappearance and the Guiding Principle no. 5 of Guiding Principles for the search for the disappeared persons developed by the Committee on Enforced Disappearance. Additionally, the guidelines are inspired by 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 (A/RES/60/147).

The guidelines have been jointly developed by ten leading victims and survivors' associations involved in the issue of arbitrary detention and enforced disappearance in Syria, namely: *Adra Detainees Association, Association of Detainees and Missing in Sednaya Prison, Caesar Families Association, Coalition of Families of Persons Kidnapped by ISIS-Daesh (MASSAR), Families for Freedom, Families of Truth and Justice, Hevdesti (Synergy) Association for Victims, Release Me, Ta'afi Initiative, and The General Union of Detainees.*

The guidelines refer to the term "victims" as enshrined in Article 24(1) of the International Convention.

Principle 1. The work of the mechanism should be centred around the victims of enforced disappearance

1. The mechanism should clearly define in its terms of reference that the entire operation of the mechanism is centred around the victims of enforced disappearance:

(a) the individual disappeared, who has the right to be searched, to freedom and dignity, whose fate and whereabouts must be clarified by the mechanism.

(b) the families of the disappeared, who have the right to truth and to search for their loved ones, whose right to truth and participation must be realized by the mechanism.

2. Within this context, the participation of victims within the mechanism should be given priority within the work of the mechanism. It should be considered a key strategic objective of the mechanism, together with the strategic objectives of clarifying the fate and the whereabouts of the disappeared individuals.

3. Every individual working within the mechanism should be aware that they are working to guarantee the rights of the victims and should put all their work at the service of the victims. Under no circumstance should the staff of the mechanism violate the rights of victims to effectively participate in the work of the mechanism or take decisions or actions that may cause irreparable harm to the right to the truth of victims. Specific processes should be implemented to ensure that any violation of victims' rights will be addressed and promptly and adequately redressed.

Principle 2. Victims should be formally represented within the structure of the mechanism through an institutional leadership role with advisory and supervising functions over the operation of the mechanism

1. Victims should have an institutional role within the structure of the mechanism. This should be implemented by creating a supervisory and advisory body comprised of victims' associations. The role of the victims should formally be recognized within the structure and organigram of the mechanism and be clearly defined and guaranteed within the terms of reference.

2. Victims' associations should exercise the role of supervision and oversight of the work of the mechanism to ensure that it achieves its objectives and conducts its plans efficiently and effectively. In addition to the overall work of the mechanism, the victims' associations also oversee the promotion of victims' vision within the work of the mechanism and assess and evaluate their active participation in the implementation of activities, field operations, and decision-making.

3. In addition to supervisory functions, victims' associations should provide advisory reviews and recommendations to the work of the mechanism to ensure that it considers the aspirations of victims and the peculiarities of the context. This advisory function should be exercised both reactively, as requested by the mechanism's staff in specific circumstances, and proactively when considered necessary by the victims.

4. The leadership and institutional role of victims aim to guarantee that victims have complete ownership over the mechanism's performance. The inclusion of victims' associations' representatives in this leadership role will ensure that all victims are equally represented within the advisory and supervisory body based on their shared experience as victims of enforced disappearance, with no discrimination based on geographic location and the perpetrator's identity.

5. The participation of victims in this role should be guaranteed through associations of victims and families of the disappeared. The criteria for selecting and representing victims'

associations in the advisory and supervisory body should be agreed upon among all victims' associations to ensure comprehensive representation of all victims of enforced disappearance in the body, the full ownership of the process and role of victims. Within this context, and throughout all the work of the mechanism, the mechanism should determine specific criteria concerning the nature of victims' associations, to ensure avoiding any exploitation of victims' suffering by other parties.

Principle 3. A process of co-creation with victims should be respected and guaranteed in the design and establishment of the mechanism and the determination of its strategies and work

1. The establishment of the mechanism and the development and writing of its terms of reference should be conducted through a co-creation process with victims. Victims should maintain equal decision-making powers in the design and creation of the mechanism and its work within this process.

2. The structure of the mechanism and relevant functions of each unit should be developed through a co-creation process with victims to ensure that victims' voice is reflected in the overall structure of the mechanism and in each part of the mechanism. Additionally, each protocol addressing different areas of work of the mechanism and actions plans (for example, strategy protocols concerning the release of disappeared individuals found alive, strategy protocols concerning engagement with perpetrators, and more) should be developed through a co-creation process with victims to ensure that each action plan is built around victims' perspectives.

3. To ensure that the participation in the design stage of the mechanism is conducted through a genuine and effective victim-centred process, the actors involved in the design of the mechanism should, in the first place, develop a participatory methodology and work plan with victims and agree upon it to ensure each stage of the design of the mechanism is conducted in alignment with victims' vision.

4. Actors involved and responsible for the design of the mechanism should acknowledge the critical nature of the design stage: only a mechanism designed in accordance with victims' visions and that effectively protects and enhances their rights can effectively clarify the truth of disappeared individuals. Under no circumstances, whether financial or time constraints, should the right to participation in the design process be violated.

Principle 4. Victims should be involved in all stages and aspects of the implementation of the strategies and working procedures of the mechanism

1. Building upon the centrality of victims in the strategy and objectives of the mechanism, the mechanism should include an ad hoc unit that is tasked with implementing activities and procedures related to the participation and engagement of victims with the mechanism and

to guarantee that each body of the mechanism is working through a victim-centred manner, as determined by the terms of reference and the specific protocols co-developed and created with victims. In addition to implementing the right to participation activities, the unit should also ensure continuous communication with families, close follow-up with them, and monitoring of their needs so that it can include these needs within their work plans.

2. The unit responsible for implementing and guaranteeing the right to participation of victims in the mechanism should be given equal importance and priority to the other units working specifically on the clarification of the fate and whereabouts of the disappeared. Under no circumstances should this unit be overlooked or neglected in the working procedures of the mechanism.

3. Where possible, and as determined by them at the design stage, victims' associations should be involved in implementing activities to enhance their ownership of the process and their trust and confidence in the mechanism.

Principle 5. Victims should have unfettered and direct access to information about the work of the mechanism and the case of their loved ones disappeared

1. The mechanism should guarantee that each family has the right to effectively follow the search for the disappeared about their loved ones and be informed about the actions taken, the progress, and the result of the search and the investigation. This shall be achieved by providing an electronic/online platform through which all families can report their missing loved ones and follow up on their case to have constant and direct access to information about the progress of their case.

2. The right to information should be guaranteed to all families, including those who may have not yet engaged with the mechanism or may not be represented by victims' associations. For this purpose, the mechanism should adopt the principle that the mechanism will communicate with families about the progress and result of the investigations on specific cases of missing individuals, even in cases where families have not reported a missing loved one to the mechanism.

3. In case of reaching result about the fate of the individual disappeared, the mechanism should provide information to the families through a special process designed with victims' associations in order to consider the psychological status of the families and previous experiences of families in knowing the truth about their loved ones. The provision of information about the fate should be conducted together/through victims' associations to ensure that families are accompanied and supported in this stage of the search.

4. An outreach process should be set up to ensure the periodic exchange of information on the work of the mechanism between victims and the international mechanism, through the mediation of victims' associations. This can be implemented through the production and dissemination of quarterly periodic reports on the work of the mechanism, which victims' associations will furtherly disseminate through local meetings and consultations with victims

to ensure they are constantly kept informed about the progress of the mechanism and its achievements.

5. Through outreach meetings, the victims' associations will also ensure a two-way communication with the mechanism by collecting opinions and perspectives of victims and sharing this information through the advisory body in order to ensure the mechanism is constantly listening to the voice and aspirations of victims.

Principle 6. Victims should be equipped with knowledge about their rights and the capacity to claim and remedy their rights if violated within the work of the mechanism

1. In addition to ensuring access to information about the progress and result of the search, the mechanism should set up a process to provide adequate guidance to victims concerning their rights and tools for the protection of those rights.

2. Victims' associations will be involved in implementing activities aimed at raising awareness and support programs for victims to enhance victims' awareness of their rights and enhance their ability to actively participate in the work of the mechanism.

3. In order to protect the rights of victims to participation and to truth, the mechanism should set up an internal body aimed at receiving complaints about possible shortcomings in the work of the mechanism that may have violated the rights of families, and specifically their right to participation and their right to truth. Specific actions should be taken to address these violations and remedy them promptly and appropriately.