



**United
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International, Impartial and **الدولية**
Independent Mechanism **المحايدة والمستقلة**

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



IIIM GENDER STRATEGY AND IMPLEMENTATION PLAN

**Addressing the Adverse Impact of the Discriminatory Gender Hierarchy
to Facilitate Inclusive Justice for International Crimes in the Syrian Arab Republic**

TECHNICAL VERSION (30 September 2022)

ARTIST'S STATEMENT

The illustration represents Lady Justice and the Syrians as one unity. The Syrian bodies of both females and males are congregated together underneath the Lady's protection. Their sorrows and collective experiences propelled them to lean on each other, with the hope of justice one day. The hand holding the balance and the sword is an extension of a voice seeking to be heard by the Syrians. They are drawing their strength and ultimate unity through the Lady. They are surrounded by red roses which symbolize the souls of their beloved ones. Part of the sun appears, a symbol of freedom. The moon, symbolizing the rhythm of time, reflects the belief that freedom and justice will be achieved by Syrians claiming their agency back and seeking justice for violations committed against them.

Dima Nachawi
Syrian Artist & Visual Storyteller

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1. OVERVIEW

The IIIM aims to create an effective foundation for inclusive justice for crimes committed in the Syrian Arab Republic (Syria). Its mandate focuses on assisting in the investigation and prosecution of the most serious crimes under international law. The IIIM contributes to criminal accountability as part of a broader transitional justice approach, which includes other processes that collectively aim to combat impunity, provide redress to victims, recognise their dignity and guarantee the non-recurrence of violations and crimes (A/71/755). Experience of past accountability processes has shown that ensuring inclusive justice – where justice processes and outcomes reflect the views, needs and perspectives of a broad spectrum of victims and survivors – is a particular challenge, requiring proactive strategies and dedicated implementation.

The IIIM's Terms of Reference recognise this by specifically requiring the IIIM to pay attention to crimes committed against children and to gender-based violence, including sexual violence. These are categories of crimes that, historically, have not been well served by international criminal law frameworks and practice. The IIIM has committed to adopting thematic strategies as a vehicle for promoting inclusive justice. In the initial phase of its work, the IIIM has prioritised advancing a victim/survivor-centred approach (VSCA), which operates as the foundation for its thematic strategies concerning gender, children and youth, and support for broader justice objectives.

This document comprises the IIIM's Gender Strategy (2021–23) and Gender Strategy Implementation Plan (2021–23). While it is being made public in 2022 for further consultations to inform the ongoing development of the IIIM's approach, it was rolled out together with IIIM section action plans during 2021 to provide initial guidance for the IIIM's work. During initial consultations, the IIIM benefited immensely from extensive input provided by experts drawn from Syrian civil society, victims/survivors, advocates, practitioners, academia and UN partners. In addition to providing substantive feedback, during consultations, calls were made for the IIIM to publicly share as much as possible regarding the Strategy and Implementation Plan, and to also provide a shorter, less technical version to reach a broader audience. In response, the IIIM has also produced an Abridged Version, available in English and Arabic. These policy documents do not themselves give rise to legal rights.

The Gender Strategy for the period 2021–23 outlines the IIIM's commitment to gender equality and gender analysis in all aspects of its work, and explains the Strategy's purpose and objectives, key terms, guiding principles, and gender issues in the context of the IIIM's mandate. Key terms used in the Strategy – such as “gender”, “gender analysis” and “gender-based violence” – are defined and explained in the Strategy. A quick reference glossary and list of abbreviations appear at the end. The Gender Strategy is designed to provide overall guidance and serve as a compass for approaching gender issues across all sections of the IIIM.

The accompanying Implementation Plan for 2021–23 provides more detailed information and guidance on how gender analysis is incorporated into various IIIM functions, specifically: (1) the IIIM's institutional environment, methodologies and tools; (2) collecting and organising information and evidence; (3) analysing information and evidence; (4) support for broader justice objectives; (5) engagement with other actors; and (6) outreach. The IIIM Gender Strategy and Implementation Plan will be evaluated and updated biennially to guide the development of yearly section work plan targets as part of the organisation's work planning process.

2. IIIM GENDER STRATEGY

2.1 INTRODUCTION: THE IIIM'S COMMITMENT TO GENDER EQUALITY AND GENDER ANALYSIS IN ITS WORK

Since the IIIM was established, the Member States of the UN General Assembly, its founding body, have repeatedly emphasised their expectation that the IIIM will adopt effective approaches in dealing with gender issues and ensure that accountability for gender-based violence (GBV) is a core part of its work. The IIIM's Terms of Reference require that both the Head and Deputy Head of the IIIM "be committed to upholding justice, accountability and human rights and ensuring gender equality" (A/71/755, Annex, para. 31). They further require that:

- Particular attention be paid to the interests and circumstances of victims/survivors of sexual violence and gender-based violence (para. 19);
- Staff be recruited with "expertise" in "sexual and gender-based crimes and violence" (para. 32); and
- Gender balance be factored into the IIIM's recruitment (para. 33), echoing the UN's System-wide Strategy on Gender Parity.

The IIIM's extensive engagement with Syrian and other civil society actors working on international crimes committed in Syria has confirmed the demand and expectation that the IIIM will integrate a gender analysis and pursue accountability for GBV, along with other crime categories, as an essential part of its work. The IIIM takes these expectations seriously and views its commitment to pursuing gender equality and gender analysis in its work as one of its core undertakings.

History has shown, however, that achieving gender equality and integrating a gender analysis, in both building an institutional environment and the substantive practice of international criminal law, requires sustained attention, effort, expertise and commitment. Gender equality cannot be assumed, and hard-won achievements cannot be taken for granted. Consequently, the IIIM is committed to implementing a proactive, multi-layered and enduring Gender Strategy, recognising that, to be effective, a gender analysis must be integrated into every level of its institutional environment and every facet of its accountability-related work.

The IIIM has adopted and tested a range of gender responsive approaches, drawing on the rich body of experience available as a result of the work of other accountability actors over the past few decades. This document is further informed by the lessons the IIIM has learned to date. Its development has provided an important opportunity to reflect on the effectiveness of the measures tested so far and to identify the areas in which the IIIM needs to improve its overall performance on gender. The IIIM is a lean entity with finite resources. It is, therefore, focusing its available capacity on the development of concrete and practical strategies to implement on a daily basis in the specific context of its mandate, while building on the valuable theoretical frameworks and policy guidance developed by other institutions.

In pursuit of this objective, the IIIM is integrating a gender analysis into both the creation and operation of its institutional environment and its accountability-related work. This work refers to all IIIM activities related to building an effective foundation for inclusive justice and accountability for international crimes, including:

- The IIIM's Structural Investigation (composed of the IIIM's Central Repository of Information and Evidence (Central Repository) and analytical work product developed within the context of the IIIM's strategic lines of inquiry) and specific case files;
- Activities to support the work of competent jurisdictions working on accountability for crimes committed in Syria, including responses to requests for assistance and proactive sharing activities; and
- Outreach and engagement with affected individuals and communities.

As noted above, the Gender Strategy set out in this document does not operate in isolation. The IIIM's VSCA is the foundation for the IIIM's thematic strategies and embodies its commitment to integrate a focus on the experiences, perspectives and priorities of a broad range of victims/survivors of the Syrian situation, from a rights-based perspective. The related strategies concerning gender, children and youth, and support for broader justice objectives, are all expressions of the IIIM's VSCA and are applied in a complementary, coordinated and intersecting way. Collectively, the IIIM's thematic strategies ensure a focus on inclusive justice that represents the diverse experiences of victim/survivor communities and individuals affected by international crimes in Syria since March 2011.

2.2 PURPOSE AND OBJECTIVES: WHY DOES A GENDER ANALYSIS MATTER FOR THE IIIM'S WORK?

Impacted communities and individuals, and the international community more broadly, expect and require the IIIM to adopt a gender analysis in its work. This is non-negotiable. To ensure an effective approach [that is not reduced to a box-ticking exercise], the IIIM seeks to communicate with clarity the reasons why failing to effectively integrate a gender analysis into its work will undermine the quality of its contribution to justice and accountability. This message is important to IIIM staff, external interlocutors and affected communities.

Integrating a proactive gender analysis is necessary to ensure that the IIIM's work is representative of the experiences of a diverse range of victims/survivors and reflects the range of gendered harms inflicted, which often target the very foundations of communities. There are many ways that, left unaddressed, gender bias can negatively affect the outcome of the IIIM's work and result in justice that is not inclusive. For example:

- A gender analysis is essential to reveal and address harms that tend to be invisible, obscured or otherwise left out of accountability work. For example:
 - Sexual violence crimes have historically been misunderstood as an inevitable side-effect of armed conflict, largely disconnected from the main activity of war, and/or as personal and shameful violations that should not or cannot be prioritised for accountability processes.
 - Little attention has been paid to documenting and addressing the gender-differentiated consequences of unlawful attacks on civilians and civilian objects, despite such attacks having a profoundly different impact on women and men, and girls and boys.
 - The tendency to focus on types of crimes particularly affecting men and boys (such as killing, some types of torture and conscripting/enlisting children) can lead to the exclusion of other devastating crimes particularly affecting women and girls (such as displacement, forced marriage and forced "domestic" labour, the gravity of which is often not sufficiently recognised).

- The assumption that a gender analysis is not relevant to politically-motivated crimes and certain types of crimes (such as pillage, forced displacement and enforced disappearance) can undermine the pursuit of cases that victims/survivors want to prioritise, often with severe long-term impacts for women and children in particular.
- A gender analysis is essential to address the role of the discriminatory gender hierarchy as a factor driving violence and influencing the specific forms that violations take in the Syrian context. The “discriminatory gender hierarchy” is the structural imbalance of power caused by socially constructed gender roles, with women and girls on the lowest rung. Historically, international criminal law frameworks have addressed structural factors other than gender — such as race, ethnicity, nationality, religion and politics — as drivers of violence. It is important to understand, and reflect in the IIIM’s accountability-related work, how the discriminatory gender hierarchy, together with other discriminatory factors, is implicated in initiating and sustaining violations;
- A gender analysis is essential to articulate more accurately the nature and full extent of the harm suffered by victims/survivors. Insufficient understanding of the gendered context in which crimes occur, or gender-biased understandings of the law, may lead to unduly narrow (mis)characterisations of crimes and their gravity or to inappropriate remedies. For example, where a rape charge is formulated, a contextual understanding of the facts and a gender-inclusive approach to the law may support additional charges such as enslavement, torture, persecution or genocide;
- A gender analysis is needed to correct gendered imbalances in access to accountability actors and processes. Through seeking to understand the reasons why female witnesses fail to come forward or are prevented from doing so, the IIIM aims to work to address the imbalance. It is notable that only 13 percent of witnesses who testified at the International Criminal Tribunal for the former Yugoslavia (ICTY) were female, meaning that the record of events created by the ICTY’s proceedings overwhelmingly reflects a male perspective. The International Criminal Tribunal for Rwanda (ICTR) reported 23 percent female witnesses, even though women and girls constituted a significant majority of the post-genocide population in Rwanda. Proceedings before other accountability mechanisms often reflect a similar gender imbalance;
- A gender analysis helps to avoid reinforcing negative gender-based stereotypes – such as the assumption that women and girls or sexual violence victims/survivors are inherently weak or vulnerable and thereby stripped of their agency. By instead focusing on how discriminatory social hierarchies create gendered risks that expose victims/survivors to harm, we can adopt approaches to challenge stereotypes and enable those victims/survivors to come forward; and
- A gender analysis helps to challenge myths used as an excuse for inaction. These include the view that sexual violence victims/survivors will not come forward to give evidence, and/or the view that social stigma means that sexual violence crimes are too hard to address.

In all these ways and more, a gender analysis is essential to ensure meaningful opportunities for justice for victims/survivors who have often been denied such justice because of the operation of gendered biases. Applying an effective gender analysis at all stages of the process can improve the overall quality of justice for all categories of victims/survivors.

Conflict-related harms very often target the relationships that bind communities, including the gendered foundations on which communities rest. Whether or not these foundations adhere to principles of gender equality, they form part of the social fabric that perpetrators intentionally target when they seek to harm, disperse or even destroy communities. Failing to use gender as an analytical lens in accountability work creates a risk that the impact of crimes on affected communities as a whole is not accurately understood. Such risks are particularly acute in assessing crimes, such as genocide and persecution, which target groups.

GENDER AND CRIMES TARGETING GROUPS

The crimes committed in Srebrenica in July 1995 provide a compelling example of the importance of applying a gender lens to reflect the impact of crimes targeting a group accurately. In the Krstic case, the ICTY Appeals Chamber examined the combined impact of killing men and boys and displacing women, children and the elderly, within the overall gendered context of the Bosnian Muslim community, including its diminished reproductive capacity. Looking at the experiences of the male and female victims and survivors in isolation rather than considering the overall impact on their community could have obscured the genocide committed against them.

Competent jurisdictions that are pursuing genocide charges involving Yazidi victims will benefit from taking a holistic approach to reflect the overall gendered impact on the targeted community. Persecution charges should also reflect the ways gender-differentiated fundamental rights violations collectively inflict discriminatory harm on targeted groups.

Crimes such as enforced disappearance and unlawful attacks (including chemical weapons attacks) have gender-differentiated consequences impacting the whole community (Syrian Feminist Lobby, 2022; Global Public Policy Institute, 2021). These consequences must be better understood and considered holistically in order to properly characterise the criminal conduct.

For example, research suggests a link between the harms experienced by women in Syria as a result of chemical weapons attacks and increased rates of displacement. According to this research, as a result of chemical weapons attacks, women were more likely to make the decision to flee their homes with their families. Chemical weapons were therefore a particularly effective method of striking at community resilience (Global Public Policy Institute, 2021). It is important to understand what happened to both the male and female victims/survivors and the resulting consequences for their communities. Beyond the attacks themselves, the ensuing large-scale displacement compounds long-term harms for women and girls, such as restricted access to healthcare and education and a heightened risk of GBV.

These and other examples show that the failure to adequately integrate a gender analysis into the IIIM's work is likely to have a profoundly negative impact on justice for all those affected by international crimes committed in Syria and to skew our understanding of these crimes.

This Strategy aims to:

- Capture in written form the approaches the IIIM is already implementing to integrate a gender analysis and to advance gender equality in its work;
- Provide a compass to guide the further efforts of the IIIM to integrate a gender analysis and advance gender equality in its work;
- Inform and facilitate the development of practical tools and approaches that empower all IIIM staff members to integrate a gender analysis and advance gender equality in their work; and
- Operationalise the IIIM's formal commitment to the individuals and communities affected by international crimes in Syria to pursue inclusive justice such that:
 - gender-based disadvantage does not reduce the prospects of effective justice; and
 - justice is a vehicle to help overcome gender-based disadvantage.

2.3 KEY TERMS: DEFINITIONS AND APPROACH

Effective integration of gender equality and gender analysis in accountability can be undermined by insufficient clarity in the definition of key gender-related terms. The IIIM aims to provide clear guidance and training to its team members on their meaning, their relation to the IIIM's work and how they are to be implemented.

2.3.1 GENDER

There is no single prevailing definition of the term “gender”, although it is frequently juxtaposed against the word “sex”. The term gender has been commonly understood as a social construction, encompassing the roles, behaviours, activities, and attributes assigned to women, men, girls and boys. Gender roles are learned or acquired during socialisation into communities, vary widely within and between cultures and can change over time. In comparison, sex typically refers to biological characteristics, often ascribed on the basis of individuals' reproductive functions.

It is necessary to be aware of many aspects of the prevailing debate over the term gender, including:

- The role of discriminatory hierarchies. The term gender has often been used as a tool to analyse, understand and address the imbalance of power caused by socially constructed gender roles, with women and girls on the lowest rungs of such hierarchies;
- Understanding gender as encompassing sexual orientation and gender identity, recognising that pre-existing beliefs and discrimination also drive gendered harms against these individuals and groups; and
- Arguments that the term should equally apply to gender constructions that drive and obscure harms against men and boys. This “gender-neutral” or “gender-inclusive” approach has, in turn, sparked concern that it strips the term gender of its association with the pervasive and systemic inequality and discrimination experienced by women and girls in all societies and risks undermining efforts to address this inequality. The IIIM seeks to address gendered harms against men and boys while ensuring that the pervasive inequality and discrimination experienced by women and girls is specifically addressed.

Against this complex backdrop, the IIIM seeks to craft a functional definition of gender to inform its work. The IIIM is guided by the Inter-Agency Standing Committee's Guidelines for Integrating GBV Interventions in Humanitarian Action, which followed an extensive global consultation and analysis of quantitative data. The Guidelines provide a rationale for giving special attention to women/girls as follows:

Women and girls everywhere are disadvantaged in terms of social power and influence, control of resources, control of their bodies and participation in public life – all as a result of socially determined gender roles and relations. Gender-based violence occurs in the context of this imbalance. While humanitarian actors must analyse different gendered vulnerabilities that may put men, women, boys and girls at heightened risk of violence and ensure care and support for all survivors, special attention should be given to females due to their documented greater vulnerabilities to GBV, the overarching discrimination they experience, and their lack of safe and equitable access to humanitarian assistance [emphasis original].

The IIIM's approach to gender situates the discrimination and violence faced by women and girls within patriarchal social, political, legal and economic systems, and recognises the discriminatory hierarchy embedded in social constructions of gender that severely disadvantages women and girls in times of peace and war. The IIIM's work requires sustained attention to ensuring that the voices and experiences of women and girls are not obscured.

IMPACTS OF THE DISCRIMINATORY GENDER HIERARCHY

The Independent International Commission of Inquiry on the Syrian Arab Republic (Syria COI) reports reflect impacts of the discriminatory gender hierarchy in different contexts of the Syrian conflict. For example, the Syria COI reported: "Yazidi women and girls, heavily traumatised, face additional challenges to their recovery. Many, particularly those from the more rural parts of Sinjar, have limited education, and married and had children early. Their communication with the world beyond their extended families was through their husbands or male relatives. With so many Yazidi men killed or missing, these women's ability to survive and thrive is limited by their lack of personal and financial independence, an issue that must be addressed" (A/HRC/32/CRP.2, para. 80).

It reported that, in certain conflict-affected areas of the Syrian Arab Republic, "women's human rights continued to be undermined, magnifying pre-existing inequalities". Dress codes, for example, were imposed on teachers and pupils, "which systematically discriminated against women and girls." A woman was arrested and detained for attempting to cross the Syrian border without her husband. "Female interviewees displaced outside the Syrian Arab Republic, consistently reported how their spouses, fearing conscription or detention, forced them to return home to assess the status of properties, often occupied or looted by warring parties. As many female returnees have either lost or lack property deeds in their names, they faced obstacles in proving ownership and claiming property rights upon their return" (A/HRC/43/57, paras. 91–92).

The IIIM recognises that discriminatory gender norms can cause persons of diverse sexual orientations or gender identities to be targeted and may render their experiences invisible or poorly understood and lead to inadequate documentation and support. These are challenges that the IIIM is committed to addressing. In addition, the IIIM is ensuring that close attention is paid to other groups that suffer harms in specific contexts as a result of discriminatory gender constructions, including male victims/survivors of sexual violence. The IIIM recognises that the drivers and consequences of the gendered violence suffered across all categories may be different, requiring detailed exploration and nuanced explanation in the IIIM's work.

2.3.2 GENDER PERSPECTIVE AND GENDER ANALYSIS

The IIIM is committed to incorporating a gender perspective throughout its work to inform both the design and operation of its institutional environment and its accountability-related work.

The IIIM is guided by the definition of "gender perspective" set out in the ICC Policy Paper on Sexual and Gender-Based Crimes, which refers to "an understanding of differences in status, power, roles, and needs between males and females, and the impact of gender on people's opportunities and interactions". The IIIM also considers how these differences impact individuals of diverse sexual orientations or gender identities. The IIIM seeks to incorporate a gender perspective into all its work by using gender analysis.

In the context of the IIIM's mandate, "gender analysis" is a systematic analytical process that uses sex-disaggregated and other relevant information to understand how gendered inequalities, and related social norms and power relationships, may affect the commission, experience, consequences and impact of relevant crimes and violations. The IIIM has developed guidance for its team to aid the development of a customised gender analysis for each analytical project undertaken (internal checklist for developing a gender analysis).

In essence, the IIIM uses gender analysis to assist in understanding how gender impacts the experiences, needs, rights and opportunities of individuals and communities. In the context of the IIIM's accountability-related work, this analysis particularly assists in understanding the role that gender norms, power relations, stereotypes and associated inequalities play in:

- Generating discrimination that drives conflict-related violence and other harms;
- Determining the nature of the violence inflicted;
- Determining the nature, extent and impact of the harm experienced;
- Obscuring or silencing the voices of certain victims/survivors or otherwise disempowering them, while privileging the voices and experiences of others;
- Creating or reinforcing barriers inhibiting victims/survivors from accessing or engaging in the accountability process;
- Reducing the overall quality of justice outcomes for victims/survivors; and
- Impeding the access of victims/survivors to broader redress and justice remedies.

2.3.3 METHODOLOGY FOR INTEGRATING A GENDER ANALYSIS

The IIIM's methodology for integrating a gender analysis in the context of its specific mandate is set out in greater detail in the Gender Strategy Implementation Plan (see below, section 3). In developing its methodology, the IIIM has been informed by OHCHR's helpful guidance on integrating a gender analysis into UN human rights investigation processes (OHCHR, 2018). Adapting that model to the IIIM's specific context, the following five key steps have been identified to guide implementation:

- Develop a gender-competent institutional environment, methodologies and tools, for example, through prioritising gender competence and expertise in IIIM recruitment processes, committing to gender equality as a core value, adding work plan goals relating to gender analysis for relevant staff members, ensuring a gender analysis in standard operating procedures and other guidance documents, developing multi-layered gender training, and providing high-level support for Gender Strategy implementation;
- Collect and organise information and evidence in a gender-competent way. The IIIM seeks to integrate a gender analysis in the development of its Central Repository (as part of the Structural Investigation). This covers collection activities to fill evidentiary gaps, the design of the IIIM's evidence processing and management system and the IIIM's engagement with witnesses in the course of evidence gathering activities;
- Analyse information and evidence using gender-competent approaches, including integrating gender throughout the IIIM's Structural Investigation (specifically in the analytical products developed as part of the IIIM's strategic lines of inquiry) and case files, using gender-competent language and images and avoiding gender stereotypes;
- Incorporate a gender analysis into the IIIM's work to support broader justice objectives, such as clarifying the fate and whereabouts of missing persons; and
- Incorporate a gender analysis into the IIIM's engagement with other actors such as national war crimes units, victim/survivor associations and other civil society actors.

2.3.4 GENDER EQUALITY AND INTERSECTIONAL FEMINIST APPROACH

As noted above, the IIIM's Terms of Reference require that both the Head and Deputy Head must be committed to pursuing "gender equality", which is consistent with a feminist approach. More generally, the IIIM is committed to ensuring that the justice efforts it undertakes do not exclude any individuals or groups who have suffered

crimes falling within its mandate. The IIIM sees its commitment to gender equality, which incorporates a feminist perspective, as a central component of this, while it remains alert to other sources of inequality in the pursuit of justice.

The terms “feminist perspective” and “feminist approach” have attracted a range of definitions. For the purposes of its Gender Strategy, the IIIM pursues “an analytical approach that foregrounds women’s and girls’ experiences in order to demonstrate systemic discrimination against them and advance their struggles for equality”. This approach requires applying an intersectional lens to reflect “overlapping systems of oppression and their interaction, such as connections between discrimination and violence based on gender, race, class, sexuality, religion and disability” (UNFPA, 2021). The application of an intersectional analysis and the comprehensive integration of gender analysis into all of the IIIM’s work are key tools in the implementation of the IIIM’s intersectional feminist approach.

2.3.5 AN INTERSECTIONAL ANALYSIS

Intersectionality recognises that an individual can inhabit multiple identity categories simultaneously and experience discrimination and harm as a consequence of the intersection of two or more discriminatory social hierarchies within which those identities are situated. The primary purpose of an intersectional analysis is to surface and address structural discrimination and disadvantage and the unique harms experienced at the intersection of multiple discriminatory social hierarchies. While acknowledging that “intersectionality” takes on various meanings in different social and legal contexts, as applied to its mandate, the IIIM recognises the role of intersections between gender and other factors – such as race, ethnicity, religion, sexuality, class/socioeconomic background, displacement status, age and disability – in determining an individual’s experience of armed conflict, atrocity crimes and the harms inflicted.

Some intersectional factors reflect structurally marginalised persons and groups that have been treated as protected under international criminal law (ICL), while other intersectional factors (such as socioeconomic situation), do not constitute a legal element of crimes but may help to define the context, nature and extent of harms inflicted. For example, in many conflict situations, women and girls are targeted based on protected identity categories under ICL, such as their nationality, ethnicity, race or religion (for genocide and persecution). Status as a child is recognised as a relevant factor in certain ICL protections, such as the prohibition of forcibly transferring children of the protected group to another group as an act of genocide, or conscripting or enlisting children under the age of 15. The crime of persecution recognises additional protected categories such as gender, culture or religion. Failing to adopt an intersectional lens when addressing violence and harm leads to approaches that are inevitably exclusionary.

Adopting an intersectional approach therefore has concrete implications for the IIIM’s work, including the following:

- Surfacing and proving targeting based on intersectional identity factors that feature in legal definitions of crimes is necessary to establish criminal responsibility in a comprehensive and inclusive way. For example, charges of persecution as a crime against humanity on the intersecting grounds of gender and religion have been brought in universal jurisdiction cases in Germany to reflect the compounded nature of harms against enslaved Yazidi women and girls, with one criminal conviction so far.
- Other intersectional factors – such as age, socioeconomic situation, disability, marital or displacement status – can increase or exacerbate the exposure to and impact of crimes targeting women, girls and persons of diverse sexual orientations or gender identities, even if they do not constitute criminal elements themselves. For example, when female victims/survivors suffer specific harms in and after detention resulting from their young age or disability, or flee Syria out of fear that they will be forcibly married to a member of an armed group due to their religion, socioeconomic status or age, these factors can help prove elements of relevant crimes (such as torture and deportation) and demonstrate their gravity.
- Such intersectional factors also impact the investigation of crimes as they can hinder access to accountability actors and tools (including digital technology).

In addition to its relevance to legal frameworks and investigations, intersectional analysis can assist in identifying and addressing particular challenges faced in other aspects of the IIIM's work: for example, in relation to providing adequate protection and sourcing appropriate support for victims/survivors who may engage with the IIIM. Adolescents and girls, unmarried or divorced women or widows, male survivors of sexual violence, persons with disabilities, displaced persons, and persons of diverse sexual orientations or gender identities, are among those who may have complex security and support needs based on multiple intersectional factors.

While minority groups are often the focus of intersectional analysis, it is essential to guard against viewing certain identity categories as inherently weak or vulnerable, thereby perpetuating harmful stereotypes and biases. Discriminatory social hierarchies — for example, of gender, race or class — put people in vulnerable situations that can change over time. “[V]ulnerability can thus be seen as contextual, and not an inherent attribute of a person or group.” This is supported by promising practices undertaken by women’s organisations working with Syrian refugees and other disadvantaged groups of women to design programmes supporting GBV survivors by addressing their specific and immediate needs arising from such vulnerable situations (Imkaan, 2019).

The IIIM aims to adopt a progressive, victim/survivor-centred approach to intersectionality, recognising the ways hierarchical social structures put people at risk because of multiple identity categories that aggressors/perpetrators can exploit. It considers throughout its work:

- How individual victims/survivors are uniquely impacted by the identity categories they inhabit, and how to address identity categories protected under ICL in a comprehensive and inclusive way, alongside those categories that shape the individual’s experience of armed conflict, atrocity crimes and the harms inflicted;
- How to engage with local interlocutors on strategies/working methods to address harms inflicted on these intersecting bases. In doing so, the IIIM acknowledges the unique insights local interlocutors can provide into intra-group dynamics and intersectional experiences, and that women and girls from the affected communities are effective advocates and empowering leaders;
- How hierarchical social structures put individuals and groups in vulnerable situations that can be exploited by perpetrators, recognising that individuals and groups at risk are not inherently weak, vulnerable or lacking in agency;
- How to counter ignorance, power and privilege through self-reflection, including by:
 - confronting beliefs, prejudices and biases that perpetuate stereotypes and committing to re-evaluating potentially harmful beliefs or biases;
 - avoiding language that reinforces harmful stereotypes and reproduces or obfuscates inequality; and
 - asking what constitutes balanced and meaningful partnerships with local interlocutors.

2.3.6 TERMINOLOGY RELATED TO SEXUAL VIOLENCE AND GENDER-BASED VIOLENCE AND CRIMES

The IIIM’s Terms of Reference stress the need for in-house expertise in “gender-based crimes and violence” and measures ensuring respect for victims, taking into account the nature of crimes involving “gender-based violence”, but do not define these terms. The Terms of Reference also refer to “sexual violence” and “conflict-related sexual violence” without further definition.

These terms are routinely used in relevant international human rights law and humanitarian contexts, as well as ICL. However, the absence of clear definitions or guidance about how to implement a focus on gender-based violence (GBV) or gender-based crimes (GBC) — and the purpose of doing so — can be the source of significant

confusion for practitioners. Conceptual confusion can also arise for practitioners in applying the terms sexual violence and conflict-related sexual violence (CRSV), as well as the composite terms sexual and gender-based violence (SGBV) and sexual and gender-based crimes (SGBC).

The IIIM is committed to addressing definitional challenges and conceptual confusion in the implementation of its mandate. The IIIM's approach to the application of this terminology from its Terms of Reference is outlined below, with further internal guidance provided to staff regarding their relevance and application in various functions throughout the office. Internal guidance – reflected in such tools as the gender analysis checklist – reflects the need for the IIIM to consider in its work: gender-based violence (the acts of violence themselves), gender-based harms (the consequences of violence), and gender-based crimes (the legally prohibited conduct) (Campbell, 2022).

Composite terms: sexual and gender-based violence/sexual and gender-based crimes (SGBV/SGBC)

In the accountability context, the term GBV has often been equated, and conflated, with sexual violence crimes, even though sexual violence is only one form of GBV that arises during armed conflict (see below, section 2.4.3). The terms sexual and gender-based violence (SGBV) and sexual and gender-based crimes (SGBC) have been frequently used by ICL practitioners to refer to acts involving GBV and/or sexual violence. However, using these composite terms in the context of the IIIM's work can promote a lack of conceptual clarity. They can be used in a way that conflates sexual violence and GBV and obscures types of GBV other than sexual violence.

To avoid this conflation, the IIIM does not use the composite terms or abbreviations SGBV or SGBC. Instead, the IIIM uses the terms “sexual violence” and/or “gender-based violence”, depending on the specific context in question. As defined below, the term sexual violence will generally be used to refer to conduct that has been clearly identified as violence of a sexual nature. This will allow the IIIM to track the treatment of sexual violence crimes in its work, while understanding that sexual violence can be a form of gender-based violence. The broader term gender-based violence will be used in the context of the IIIM's work as a descriptive term and analytical lens, as described below.

Gender violence/gender-based violence (GBV) and gender-based crimes (GBC)

The IIIM's approach uses gender-based violence (GBV) as a descriptive term and analytical lens, and understands gender-based crimes (GBC) as including all crimes within its mandate that are committed against persons because of their sex and/or socially constructed gender roles.

Gender-based violence: GBV is structural violence directed towards or disproportionately affecting someone because of their gender or sex, including perceived transgression of the gender norms in their community or society. As in the humanitarian and human rights sectors, in the context of the IIIM's work, the operation of the discriminatory gender hierarchy requires special attention to the situation of women and girls. The disadvantaged position women and girls occupy within the gender hierarchy puts them at high risk of pervasive, structural GBV. Conflict exacerbates the frequency and brutality of forms of GBV that occur on a continuum of interrelated and recurring forms of violence against women and girls, including sexual violence (UNSC Resolution 2467). GBV affects victims throughout their lives, and can include cases of rape and other sexual violence, so-called “honour” killings, forced marriage and other harmful practices (CEDAW General Recommendation No. 35 (2017)). The IIIM also recognises that GBV is experienced by other victims/survivors who suffer specific harms due to gender constructions, including persons of diverse sexual orientations or gender identities. Discriminatory gender constructions can also drive forms of violence against male victims/survivors in specific situations – for example, by targeting them for sexual violence as a means of subjugation and humiliation.

The IIIM uses the concept of GBV as an analytical lens in its accountability-related work to promote accurate descriptions of gender-based harms and their causes and consequences for victims/survivors, for example, by:

- Identifying and addressing categories of GBV in the Syrian situation that are at risk of being obscured through the operation of the discriminatory gender hierarchy, including where women and children absorbed into perpetrator groups have been victimised;
- Articulating the role that structural gender factors, including pervasive discrimination, play in driving the violence;
- Understanding and describing the full nature of the harm experienced by victims/survivors of GBV;

- Ensuring that gendered aspects of harm are accurately reflected in the factual description of the criminal conduct and its legal categorisation; and
- Identifying holistic strategies to enable victims/survivors of GBV to participate in the accountability process in an effective way, particularly having regard to pervasive and structural disadvantage flowing from gendered hierarchies.

Gender-based crimes: In the context of the IIIM's work, GBC refers to international crimes committed against persons because of their sex and/or socially constructed gender roles (see ICC SGBC Policy Paper). In accordance with its Terms of Reference, the IIIM focuses on GBC that can be qualified as among "the most serious crimes under international law, in particular the crime of genocide, crimes against humanity and war crimes, as defined in relevant sources of international law". Although specific international criminal law definitions are beyond the scope of the Gender Strategy, for the purposes of its implementation, the IIIM considers GBC to include, for example:

- Crimes involving gendered harm that meets the definition of the actus reus of core international crimes (such as "serious bodily or mental harm" as an act of genocide), whether or not they include an express sexual component (such as rape or sexual slavery); and
- Crimes that include an element expressly targeting individuals or groups based on gender (typically expressed as intent or mens rea), such as gender-based persecution or torture based on gender discrimination.

In its analytical work, the IIIM relies on relevant sources of international law to define each of these gender-based crimes.

Sexual violence and conflict-related sexual violence

Sexual violence has been used as a descriptive term for various forms of violence of a sexual nature, and has also been defined as a crime under ICL. By comparison, conflict-related sexual violence (CRSV) describes sexual violence that is directly or indirectly linked to a conflict. The UN Secretary-General has defined and extensively reported on CRSV incidents, patterns and trends in annual reports to the UN Security Council, listing parties "credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict on the agenda of the Security Council" (see e.g. S/2021/312, para. 5).

The IIIM takes the view that, in the specific context of its work, sexual violence encompasses acts of a sexual nature against one or more persons and/or that cause a person or persons to engage in, witness or anticipate the commission, including against another person(s), of sexual violence, 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), against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent (see ICC Elements of Crimes for "sexual violence"). The IIIM includes in its analyses sexual violence that could individually or collectively comprise fundamental human rights violations that could support persecution charges. Such violations can also inform the gravity and impact of crimes and the context necessary for their appropriate classification as crimes.

Sexual violence can be prosecuted under various ICL crime categories that expressly reference sexual violence, depending on context, including as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or "any other form of sexual violence" meeting the elements of crimes against humanity or war crimes under the ICC Statute. As with all crimes within the IIIM's mandate, sexual violence must meet the required contextual elements for prosecution as an international crime (e.g. has a sufficient nexus to an armed conflict in Syria to be prosecuted as a war crime; forms part of a relevant widespread or systematic attack to be prosecuted as a crime against humanity; or was carried out with the required intent to destroy the targeted group for prosecution as genocide). This approach highlights the importance of properly contextualising sexual violence and interrelated crimes in the conflict situation to ascertain the specific nature and purpose of sexual violence and ensure its accurate legal classification.

2.3.7 RAPE/SEXUAL VIOLENCE AS A “WEAPON OF WAR”

The description of rape or sexual violence as a “weapon of war” is often used to convey the seriousness of the offence and to illustrate its strategic use in certain conflict contexts. In criminal investigations and prosecutions, however, the phrase can have unintended negative implications which the IIIM seeks to avoid in its work.

In particular, the term weapon of war may be seen as encompassing only sexual violence that is used in a strategic way in armed conflict, such as when it is ordered or conditions are deliberately created to facilitate it, as opposed to acts of sexual violence that may be committed in smaller numbers and/or tolerated or condoned. In respect of investigations and prosecutions, it may contribute to a mentality whereby only sexual violence that fits the weapon of war paradigm is considered sufficiently serious to be prioritised in accountability processes or other justice efforts. This framework may further exacerbate prevalent misconceptions — such as that sexual violence must be widespread and/or systematic, fulfil a numerical requirement, or be ordered by superiors — to be prosecuted under the framework of ICL (see Prosecuting CRSV at the ICTY). The IIIM avoids using this terminology to describe sexual violence in conflict in its work, to reinforce the need to give serious attention to all forms of sexual violence in the accountability process based on their own specific facts and circumstances.

2.4 GUIDING PRINCIPLES FOR THE IIIM GENDER STRATEGY

Effective gender analysis in pursuit of gender equality is complex, multifaceted and requires a high level of both expertise and humility. We are all products of socialisation, including our own gendered upbringing and the ingrained gender structures in which we live. The following general principles have been identified to guide the IIIM in its gender analysis, with a view to avoiding some of the major known pitfalls.

2.4.1 AN APPROACH INFORMED BY AN UNDERSTANDING OF STRUCTURAL GENDER FACTORS IN SYRIAN SOCIETY

The IIIM is committed to developing a sound understanding of structural gender factors in Syrian society as a foundation for its gender analysis. While experience navigating gender issues in other situations of armed conflict provides useful guidance, it cannot be wholly transplanted to the Syrian situation. Gendered structures, concepts, biases, legal and institutional frameworks, community reactions and so on vary between and within cultures and communities. There are also variations in the gendered experiences of Syrians inside Syria and those now living outside the country. Structural factors must not create unsurmountable barriers to positive justice outcomes for victims/survivors.

It is a priority for the IIIM to understand the ways in which gender factors may differ across different victim/survivor groups and for perpetrators affiliated with different sides of the armed conflict when it comes to the crimes under consideration. Gender factors may vary across different intersecting identity categories such as religion, ethnicity, sexuality, socioeconomic background, age and displacement. These gender factors may influence: how crimes can be investigated; the range and sources of potential threats that witnesses may face and their short- and long-term support needs; and other barriers to participating in justice processes. Such factors may also impact which specific crimes and harms can be established and their connection to the armed conflict, widespread or systematic attack against civilians and/or common discriminatory purpose, as well as possible modes of criminal responsibility. These factors influence the way that the IIIM constructs and presents its analysis of crimes in Syria.

The IIIM seeks to identify the role of discriminatory gender factors as part of its factual analysis. This requires a comprehensive understanding of gender factors in the Syrian context before March 2011 and how events since then have exacerbated or otherwise influenced the operation of gender factors in Syria. Building this understanding is a complex undertaking and the IIIM is prioritising the development of specific tools and partnerships to facilitate the process. In particular, it has successfully piloted collaboration with Syrian and other civil society actors and experts, to assist in deepening its contextual understanding of gender issues in Syrian society that are relevant to its mandate. The IIIM will continue this effort and is also collaborating with other UN actors, who are carrying out gender analyses of the Syrian situation.

2.4.2 A CONTEXTUAL APPROACH

The IIIM is taking a contextual approach to its gender analysis. In particular, the IIIM is situating GBV as part of broader patterns of violent and/or discriminatory crimes in Syria. Past accountability work has confirmed the pitfalls of isolating gender-based harms and disconnecting them from other events occurring at the same time (Prosecuting CRSV at the ICTY; ICTR Best Practices). Such an approach is frustrating for victims/survivors as it artificially compartmentalises their experiences and discounts other types of harms they suffer. Although, particularly in the last decade, much attention has been focused on sexual violence, outcomes continue to be poor in most core crimes accountability processes at both international and national levels. The IIIM pays significant attention to ensuring that this category of crimes is not obscured in its work, while ensuring that the crimes are considered in context.

For example, if acts of rape of Yazidi women and girls were looked at in isolation, there would be a risk of overlooking the broader system of enslavement in which these acts fit and the connections with other forms of violence forming part of this system. There would also be a risk of failing to see how these acts formed part of a broader destructive campaign against the Yazidi group. Looking at the experiences of the women and girls in context also helps to ensure that violence against other categories of victims/survivors, such as men and boys, and persons of diverse sexual orientations or gender identities, is more accurately understood. Without this contextual approach, a court might fail to understand how a single incident of sexual violence could be part of a pattern of enslavement, persecution or genocide.

Focusing too narrowly on GBV, particularly sexual violence, may impose a label that victims/survivors do not want to carry, deterring them from coming forward or prompting them to withdraw from accountability processes. Defining victims/survivors solely in relation to a specific type of victimisation might obscure the fact that their experiences – and evidence – could support different elements of a criminal investigation: e.g. as a witness to other crimes, or events that could support contextual elements of international crimes (see Prosecuting CRSV at the ICTY).

A narrow focus is likely to create problems in proving the mens rea elements for certain international crimes. For example, courts may have difficulty accepting that an act of sexual violence is committed with the required discriminatory intent for a crime like persecution if it is not properly presented in context as part of an overall discriminatory campaign. Absence of context is also likely to create problems in linking gender-based crimes to senior or intermediary officials who are not direct physical perpetrators. In these cases, responsibility may rest on being able to show a pattern of crimes that can be attributed to the officials (Prosecuting CRSV at the ICTY; ICTR Best Practices). Gender-based crimes must be properly situated as part of the overall pattern in a way that reflects the reality of the events in question.

2.4.3 UNDERSTANDING THAT GENDER IS NOT SYNONYMOUS WITH SEXUAL VIOLENCE

In the past, in the accountability context, the terms “gender” and “gender-based crimes” have often been equated with sexual violence crimes. While sexual violence is one specific type of gendered harm that arises during armed conflict, it is not the only one. Concerns have been expressed that an unduly narrow focus on sexual violence in ICL has deflected attention from the myriad other pressing issues that women and girls in particular face during and after armed conflict, which are caused or exacerbated by endemic discrimination and impunity. As explained in a consultation with the IIIM:

“Not every gender-based violation is sexual. That is an important point and is often neglected. It is not only sexual violence that women suffer. To conflate the two is an insult to women. We are working towards gender equality. Unfortunately, in the Middle East and Syria, any abuse against women is accepted, except for sexual violence. Beating, theft, torture, even killing is accepted. What is not accepted is sexual violence. I’m always asked only about sexual violence.”

Amina Khouliani, Co-Founder of Families for Freedom

The IIIM is committed to an understanding of gender that encompasses the multifaceted and varied issues at stake and accurately situates sexual violence as one part of this broad spectrum of violence, as further reflected in its choice of terminology (see above, section 2.3.6).

2.4.4 APPROACHING SEXUAL VIOLENCE AS A GENDERED CRIME

When sexual violence crimes have been prosecuted under the framework of ICL, their gendered aspects have seldom been evident in the ways the cases have been investigated and presented in court. The focus has been on proving the underlying acts of sexual violence, without necessarily presenting the gendered factors driving the violence, articulating the gendered forms the violence takes or describing the gendered impact of the violence. Today, the recognition that sexual violence – including the crime of rape depending on its defined elements – can affect women, men, girls, boys and persons of diverse sexual orientations or gender identities, leads to a tendency to view it as a gender-neutral crime, in the sense that gender is irrelevant to the commission of the crime.

This is problematic for a number of reasons. While a crime can be inflicted upon a person irrespective of their gender, and in that sense be gender neutral, gender frequently influences the particular form that sexual violence takes, with distinctive patterns of sexual violence inflicted on male and female victims/survivors respectively. Gender also influences the reactions of families and communities to sexual violence victims/survivors. For example, in the Syrian conflict, some female survivors released from detention report being stigmatised as sexual violence victims/survivors, irrespective of whether they have in fact experienced such crimes. As explained during an IIIM consultation:

“The first question they are asked is whether they’ve been subjected to sexual violence. Survivors sometimes deny this because of social stigma. Everything is linked to the honour of women. A number of Syrian organisations are trying to raise awareness about this situation and many women are courageous enough to speak about their experiences... But they are at risk. Even from fellow former detainees, who don’t want people to think that they may have been violated, because one statement condemns the others.”

Thuraya Hijazi, Executive Director of Release Me

The Syria COI reported that female victims/survivors of sexual violence can face divorce by their husbands and separation from their children, ostracisation from their families and communities, or honour killings (A/HRC/37/CRP.3, paras. 93–95). These harmful consequences can be exacerbated where rape results in pregnancy (ibid., paras. 97–100). By contrast, men who have been detained have not been routinely subject to the same assumptions, associated stigma or consequences. However, male survivors of sexual violence can face other psychological and physical harms, including feeling that they have lost their masculinity and cannot confide in others (ibid., paras. 94, 96). In addition, the UN Secretary-General reported that sexual violence, mainly in detention settings, “is a primary reason” cited by persons of diverse sexual orientations and gender identities for fleeing the Syrian Arab Republic; “they are also among the most vulnerable refugees in the region, in particular in host countries where same-sex relations are criminalized” (S/2018/250, para. 76).

Applying a gender analysis to sexual violence crimes helps to identify and address gendered barriers to bringing forward evidence of sexual violence and to prove the gendered differences in the types of harms inflicted. It also ensures the identification of the gendered motivations that may underpin sexual violence crimes, making it possible to more accurately identify and prove specific mens rea requirements and links between sexual violence and other types of crimes, as appropriate.

2.4.5 ACCURATELY REFLECTING THE ROLE OF GENDER AS A STRUCTURAL FACTOR DRIVING VIOLENCE IN THE SYRIAN CONFLICT

In ICL, gender discrimination has historically been absent from the catalogue of structural factors identified as driving violence. The IIIM has the opportunity to learn from this shortcoming and to build on the progress of previous international criminal institutions, applied in the Syrian context.

The crime categories within the jurisdiction of the ICTY and ICTR, for example, focused on structural drivers of violence such as race, nationality, ethnicity and religion. Gender was absent from the catalogue of possible structural drivers of violence that feature as elements of certain core crimes. While progress was made in prosecuting crimes of sexual violence that have historically been overlooked, the underlying cause of this

violence was generally seen as stemming from factors other than gender. One exception was the progressive jurisprudence of the ICTY, which recognised discrimination against women as a possible prohibited purpose for proving the crime of torture. However, the role of gender, both as a structural factor driving violence and at the intersection with factors such as nationality, ethnicity, race and/or religion, has generally not been accurately articulated in the cases, even if a factual basis for it was presented. As a result, the cases prosecuted have masked a key structural factor underpinning violence, in turn weakening pressure for change that could otherwise emanate from the accountability process. Advances in legal frameworks, such as the recognition of persecution on the basis of gender, now open the possibility of addressing harms inflicted on the discriminatory grounds of gender.

More generally, the IIIM seeks to reflect accurately the role that gender has played as a driver of any of the crimes under consideration. To do that, as mentioned above, the IIIM will continue to develop a thorough understanding of structural gender factors in the Syrian situation and integrate relevant analysis into the evidentiary modules and case files it develops. The IIIM also seeks to proactively utilise crime categories that facilitate the consideration of gender as a structural factor underpinning crimes, whenever compatible with the evidence. These include the crimes of persecution on the basis of gender and torture for the prohibited purpose of gender-based discrimination. The IIIM is integrating a gender perspective into the identification of the fundamental rights violations required as an element of the crime of persecution. Where the law presently does not expressly recognise gender as a structural factor driving other crime categories, such as genocide, the IIIM will nevertheless ensure that any role played by gender is accurately presented as part of the factual matrix underpinning the crimes. Such factors could also potentially be put forward in sentencing to show aggravation of the crime.

2.4.6 CREATING SPACE FOR THE VOICES OF ALL VICTIMS/SURVIVORS AFFECTED BY THE SYRIAN CONFLICT TO BE FULLY HEARD AND CONSIDERED

The IIIM aims to create space for voices of all victims/survivors on the gender spectrum. Particular attention is paid to women and girls given their historical underrepresentation in accountability processes, despite the reality that civilians, particularly women and children, account for the vast majority of those adversely affected by armed conflict (UNSC Resolutions 1325 and 2467). In the ICL context, there has been a discernible trend of female experiences and voices being significantly underrepresented – as reflected, for example, in the disproportionately low number of female witnesses before international courts and tribunals. Significant consequences result from such a systemic failure to hear the voices of women and girls and to record and address their experiences of armed conflict. The experiences and perspectives of women and girls in a given conflict are largely absent from the historical record created by justice processes, weakening ICL's effectiveness in identifying and addressing gender factors that play a role in the commission of crimes and the gravity of the harms suffered. The prospect of these factors being taken into account in any subsequent reparations proceedings is reduced.

The reasons for the gender witness gap in past accountability processes have not been fully explored, but a number of factors could play a role, including:

- The historical prevalence of male investigators and the comparative dearth of female investigators may have resulted in a corresponding failure to seek out female witnesses for many different reasons;
- Female witnesses and witnesses of diverse sexual orientations or gender identities may be harder to locate (less visible in public roles or spaces, or less comfortable speaking to an unknown investigator), and even once located, may be unwilling to engage for a range of reasons;
- The likelihood that gender biases could influence perceptions as to who might fall into the crucial category of “insider witness” – witnesses who functioned inside structures of power linked with crimes and who are able to give probative evidence about the nature and functioning of those systems. In military or police structures, for example, it might be assumed that an insider witness will invariably be a man, given that operative personnel in such structures are typically male. However, women may often be located inside such structures, sometimes in less operational roles, but they may nevertheless have crucial evidence to give about key factual issues forming part of a case;

- The selection of expert witnesses, such as political historians and military analysts or international witnesses such as diplomats or humanitarian service providers may involve similar gender biases leading to an absence of women; and
- The increased reliance on technology and open-source information to facilitate evidence gathering in ICL may reflect a similar dynamic, depending on the conflict-affected communities and who can freely access technology.

In its work to date, the IIIM has also identified gendered gaps in documentation work carried out by various other actors regarding crimes in Syria. This is particularly visible in the low number of witness statements from women, girls and persons of diverse sexual orientations or gender identities in the materials the IIIM has collected from other actors.

The IIIM seeks to address this gap in documentation and to ensure that underrepresented or absent voices are heard, their views and experiences fairly represented in evidence gathering, and that they have equal agency in the accountability process. Related to this, the IIIM is considering the needs and preferences of victims/survivors, seeking out meaningful engagement, and providing robust training and guidance to its staff on respecting their rights, in accordance with the IIIM's VSCA.

The IIIM considers that the underrepresentation of the views and experiences of women and girls and any other group due to gender considerations constitutes an evidentiary gap that it has been mandated to fill through the application of its own investigative capacity. Thus, the IIIM's understanding of what constitutes an evidentiary gap also encompasses gendered gaps. The IIIM seeks to ensure that the evidentiary picture compiled through its investigative and analytical work accurately reflects the experiences of women, men, girls and boys, and pays close attention to harms suffered by persons of diverse sexual orientations or gender identities. Propelled by its strategy on children and youth, the IIIM further aims to surface harms and fill evidentiary gaps relating to children and youth. Only by addressing these gaps can the IIIM contribute to a genuinely representative account of events and international crimes allegedly committed in Syria since March 2011.

The IIIM is committed to understanding the root causes of the underrepresentation of women's and other voices in the documentation process and to assessing the extent to which identified gaps arise from capacity or expertise gaps, cultural barriers, security concerns and gender biases arising from the use of technology and/or other factors. The IIIM is developing proactive methods to address these barriers across all aspects of its work. As illustrated below, through the development of its VSCA, the IIIM is mapping potential barriers to accountability and developing tools and strategies to address their negative impact on access to justice in the specific context of the IIIM's work.

2.4.7 A PROACTIVE APPROACH TO ADDRESSING GENDER ISSUES AND OVERCOMING GENDERED BARRIERS

Experience has shown that a proactive approach is needed to ensure adequate attention to gender issues. Without a proactive approach, gender analysis is likely to drop from the investigative and analytical framework being applied. It is vital that consistent and effective use be made of the tools for gender analysis that the IIIM continues to develop and implement (referenced throughout this Strategy and Implementation Plan). Even after a measure of success is achieved, it is important to avoid complacency, deprioritization, neglect or failure to update the tools underpinning the gender analysis framework. Regression can happen easily, making periodic review and revision of this Gender Strategy essential (see further below, section 2.6).

A proactive approach involves creating the right conditions for victims/survivors of GBV and other witnesses with evidence of GBV to come forward and seek accountability. It is necessary to understand barriers to effective accountability for these crimes in the Syrian context and within different victim/survivor groups both inside and outside of Syria. As noted, the IIIM has commenced a mapping exercise of potential gendered barriers to accountability, covering lessons learned from past accountability processes and factors already identified that are specific to the Syrian context and/or the affected victim/survivor communities.

Such barriers include a lack of adequate referral pathways for victims/survivors to access humanitarian support; insufficient time to establish trust and rapport with victims/survivors; and stigma and adverse social consequences for victims/survivors who become identified as GBV victims. Other examples of barriers identified by victims/

survivors include: the inability to access justice actors due to restrictions on women's movement, displacement and childcare responsibilities; biased investigative approaches; the need of victims/survivors to focus on survival and security; and disillusionment with justice prospects. As explained during an IIIM consultation:

"The patriarchal mentality that dominates the Syrian society/ documentation scene is a challenge. In 2011–2012, this mentality played an important role in keeping crimes from being documented. Especially crimes of sexual violence. Some documenters declined to document these crimes for reputational reasons. Sexual crimes provoke a huge reaction. Even for women who are willing to enter an international process/ prosecution, and acknowledge the discrimination they've faced, they don't want to say this in public. To avoid provoking a reaction. They fear reprisals from the Syrian regime against their families who are still in Syria."

Joumana Seif, Co-Founder of the Syrian Feminist Lobby

Working in collaboration with Syrian civil society and relevant international actors, the IIIM is identifying approaches for overcoming these barriers, particularly when it comes to factors specific to the affected communities. For example, the IIIM is:

- Expanding its engagement with victims/survivor associations to reach those who have lacked access;
- Devising tailored investigative strategies to overcome gendered gaps in evidence; and
- Considering the use of expert evidence to surface missing voices where obtaining evidence from witnesses directly may be impossible (due to security, gender, age or other considerations).

The IIIM recognises, however, that some evidence of GBV may be obvious and collection may entail few operational challenges, so long as it is accorded appropriate priority. The IIIM will seek to address barriers effectively, while not over-generalising the operational realities regarding this category of crimes.

POSSIBLE STRATEGIES FOR ADDRESSING GENDER GAPS

As recognised by GPPI in its research on chemical weapons attacks, "[i]nvestigating the effects that indiscriminate forms of violence like chemical attacks have on women reveals a pervasive, structural gender bias in the reporting and primary data collection on such violations in Syria. Women bear the brunt of the violence, yet they remain underrepresented in accounts of it. ... As women in conservative Syria often shy away from discussing vulnerable experiences with men, much of the material we encountered lacked female voices."

"Speaking directly to female survivors (through an Arabic-speaking female interviewer, who is also one of the authors of this research), we captured parts of the narrative that had been previously unknown or ignored. To conduct such direct interviews, we frequently needed to gain the trust of the women's families and communities, which meant engaging with male family members first before starting private conversations with their wives or sisters. Our research clearly demonstrates the need for local and international organizations and courts to actively seek out female perspectives in order to develop a full picture of the use of chemical weapons in Syria." (Global Public Policy Institute, 2021)

2.4.8 AN INTEGRATED APPROACH

The IIIM's strategy encompasses the integration of gender expertise and gender competence throughout the office environment and particularly throughout all teams working on accountability-related matters, including: the Collections and Analysis Section; the Support and Sharing Section; the Information Systems Management Section; the Operational Support Section; and the Office of the Assistant Secretary-General. The choice to do so is informed by the demonstrated pitfalls of past processes that have relied exclusively or heavily on stand-alone (often temporary or extra-budgetary) gender focal points or the creation of specific teams to focus on sexual violence crimes, which have typically been structurally isolated in organigrams. These focal points or teams often lack the authority to ensure that policies are proposed, enacted and executed.

The IIIM is committed to ensuring that all its staff members are gender competent, meaning that they have a foundational level of awareness about gender and the ability and willingness to integrate a gender perspective in their daily work, in pursuit of the goal of gender equality. In addition, the IIIM is committed to ensuring that gender expertise is integrated throughout its staffing structure and work processes and continuously enhanced through training and skills development. Gender expertise can encompass, but is not synonymous with, having experience in interviewing sexual violence victims/survivors. Like other areas of specialised expertise, developing gender expertise and analytical skills requires dedication, practice, extensive experience, and willingness to learn from the experience and expertise of others. The IIIM is committed to ensuring that it recruits staff members with gender competence, as well as staff members with established gender expertise who are then integrated throughout its team structure (see below, sections 3.2.1 and 3.2.2).

The goal of integrating gender throughout the institutional structure was articulated from the beginning of the IIIM's work and has been consistently pursued through a range of different measures. As detailed further below, these include testing gender competence in all IIIM recruitment processes, adhering to UN policies regarding gender parity, integrating respect for gender equality as part of the core values of the IIIM and staff performance appraisal processes, and facilitating training and broader professional development regarding gender issues on a continuous basis (see further below, section 3.2.7). The IIIM strives to create a working environment where there is a high level of understanding about, and comfort with, gender analysis and discussion of gender issues.

The IIIM has created a network of gender focal points within all IIIM sections and has a Working Group comprised of these focal points supported by a thematic expert on gender, under the direction of the Deputy Head, to oversee the development and implementation of its Gender Strategy. The IIIM is committed to reinforcing and extending these proactive strategies in the next phase of its work.

2.4.9 PRIORITISING GENDER EQUALITY IN THE IIIM'S INSTITUTIONAL ENVIRONMENT

There is a direct connection between maintaining an internal institutional environment that values and pursues gender equality, and the IIIM's capacity to effectively address GBV and other gender issues in its accountability work. The IIIM cannot succeed in effectively addressing gender issues if it does not first establish an office environment free of (sexual) harassment, discrimination and abuse of authority and where respect for gender equality is a core value.

To this end, the IIIM has prioritised UN mandatory trainings for staff members on the prevention of sexual harassment and abuse and on the prevention of sexual exploitation and abuse, and has designated a focal point to receive and handle reports of possible prohibited conduct as envisaged by the applicable UN Secretary-General Bulletins (ST/SGB/2019/8 and ST/SGB/2003/13). The IIIM has further adopted a Statement of Commitment which links to broader UN policies and articulates gender equality as a core value in the specific context of the IIIM's work and institutional environment, which all staff members are required to sign. The values of the IIIM Statement of Commitment are integrated into the performance appraisal process. A number of processes are in place to assist in implementation of the Statement of Commitment and work continues in further strengthening its application in the future (see further below, sections 3.2.3 and 3.2.4).

2.4.10 WORKING TOWARDS PROGRESSIVE DISMANTLING OF PREJUDICIAL STEREOTYPES

In its work, the IIIM seeks to dismantle and not unwittingly reinforce prejudicial gender stereotypes. ICL reflects many such problematic stereotypes, which can have a detrimental impact on justice outcomes. For example, historically, the "honour and dignity" of women and girls has been linked to notions of sexual purity. A raped woman or girl was thereby regarded as "dishonoured" and stripped of her "dignity". This has created concrete obstacles in the accountability context. The ICTY Office of the Prosecutor, for example, identified misconceptions that cast rape as a crime against the honour of women and girls, rather than a violent crime, as a major barrier to improved justice outcomes.

In addition to being problematic for women and girls, stereotypes have made it more difficult to surface and address issues such as male sexual violence. Provisions of international humanitarian law specifically link the crime of rape with women, reinforcing historical misconceptions that rape is a crime committed against females and that men and boys are not affected. Negative stereotypes have also generated reluctance on the part of men and boys to be identified as sexual violence victims/survivors, because of the perceived consequences related to emasculation and homophobia and the associated stigma. Gender analyses of conflict-related male sexual violence jurisprudence remain negligible. Moreover, gendered stereotypes ignore or silence sexual violence perpetrated against persons of diverse sexual orientations or gender identities and children.

These are not easy problems for IIIM staff members to navigate. Many cultures perpetuate harmful gendered stereotypes that sexual violence destroys the honour and dignity of women and girls and emasculates male victims/survivors. Gendered social constructions can also adversely affect other victims/survivors of GBV. The IIIM approaches its case building in a way that acknowledges the full extent of the harms suffered, without validating prejudicial stereotypes.

Many gendered stereotypes centre on the perceived inherent weakness and vulnerability of women. In its consultations with Syrian women, the IIIM has heard expressed repeated concerns that women are only ever consulted as vulnerable subjects in need of protection, rather than as experts on the Syrian situation and their own lives. There are continuing tendencies to subsume women and children into one category of analysis and to label all sexual violence victims/survivors as inherently vulnerable. In its work, the IIIM avoids sweeping categorisations of women and/or victims/survivors as inherently weak, vulnerable or lacking in agency. The IIIM will not assume that women and/or sexual violence victims/survivors will always require the maximum level of protective measures, or that they have the same security risks or needs as children. In line with its VSCA, the IIIM will consider each case individually, ensuring that its approach is tailored to the needs and preferences of the victim/survivor in question. Overall, the IIIM will strive to fully respect the rights of victims/survivors in the course of its interactions with them (see also below, section 3.3.2).

2.4.11 A NUANCED APPROACH TO STIGMA

The IIIM will not make assumptions about the existence and nature of stigma attaching to sexual violence or any other GBV, but will seek to understand if and how such stigma operates in a specific case in the Syrian context. This is important to ensure that misconceptions about stigma do not emerge as an unnecessary barrier to bringing forward evidence. In certain circumstances, the communal desire to give visibility to violations against the community can compound pressures experienced by survivors who are not ready to speak about sexual violence. It is also important to ensure that focusing on stigma does not obscure other barriers to bringing forward evidence of gendered harms, such as a lack of adequate psychosocial and other support services. As explained in an IIIM consultation:

“The well-being of the survivor is a goal in itself. Educating survivors is very important, and managing expectations is very important. Some may not be ready to engage in the pursuit of justice, and they must be free to make that decision - it should not be family members or males in the community who make that decision. The individual survivor should decide.

Some survivors will deny that sexual violence took place because of stigma. It is important to reassure them that support is available, and support must be available if we hope that they come forward as witnesses in trials. Services like trauma counselling and GBV support must be in place in advance. We have seen that treatment can make a difference in a survivor’s willingness and ability to seek justice. On the other hand, we have experience with some women who don’t want to seek justice anymore because of how they have been treated, even if they have a case.”

Pari Ibrahim, Executive Director, Free Yezidi Foundation

We know that victims/survivors are willing to come forward – whether as protected witnesses or publicly – to participate in justice processes when they feel adequately supported. Their courage and determination to overcome the pressures caused by stigma have already contributed to landmark convictions for international crimes, including for genocide against the Yazidis, and torture, killings and sexual violence in Syrian government detention.

2.5 GENDER ISSUES IN THE CONTEXT OF THE IIIM'S SPECIFIC MANDATE

The IIIM's role as a justice facilitator presents new opportunities for thinking about the integration of gender analysis into the practice of ICL.

To date, in courts and tribunals addressing core international crimes, integrating a gender analysis has largely centred on investigating and bringing forward evidence of gender-based crimes, primarily sexual violence. Limited attention has been given to how gender plays out through a range of other court-related processes such as: the selection of crime categories and modes of liability in charging instruments; contextualising gender-based crimes; depicting structural gender factors as part of evidence presentation; gender considerations in the selection of witnesses; and ensuring that gender factors are appropriately reflected in establishing a factual basis for sentencing submissions or compensation claims related to experienced harms. Awareness of a broader range of gender issues is beginning to emerge as a result of some of the legacy work done by the ad hoc tribunals, which has provided a greater understanding of the varied sites for gender analysis in international criminal law.

The IIIM can contribute in a meaningful way to this evolution, and may lead the way in embracing novel opportunities for gender analysis that emerge from its specific mandate. These include:

- **The gendered nature of “evidentiary gaps”:** The IIIM takes information and evidence already collected by other actors and uses its investigative mandate to fill evidentiary gaps. The IIIM's recognition that evidentiary gaps can arise not just from missing pieces of information traditionally considered essential for criminal law cases, such as evidence about structures of power, command relationships etc., but also from the underrepresentation of relevant perspectives, such as those of women and girls, persons of diverse sexual orientations or gender identities and/or male sexual violence victims/survivors, is an important precedent.
- **The gendered nature of modes of criminal responsibility:** The emphasis in the IIIM's mandate on evidence and analysis linking crimes to individual perpetrators creates an important opportunity for the IIIM to advance the integration of gender analysis into the selection and application of modes of criminal responsibility for core international crimes. To date, most gender analysis in ICL has focused on the selection of crime categories, particularly in sexual violence cases. However, there is also a risk of gender bias negatively influencing analysis when it comes to modes of criminal responsibility. Care is needed to avoid unduly narrow approaches to modes of liability for gender-based harms, with consideration often being limited to physical perpetration, aiding and abetting based on physical presence, or superior responsibility, to the exclusion of other potentially relevant modes such as ordering, planning and joint criminal enterprise/co-perpetration. Similarly, there is a risk of gender bias prompting the implicit application of higher evidentiary thresholds for proving elements of applicable modes of responsibility, such as risk thresholds relating to the foreseeability of gender-based crimes (Prosecuting CRSV at the ICTY).
- **Working with civil society and other actors to identify and correct gender biases that may have an impact on their work:** Another novel aspect of the IIIM's mandate is the emphasis placed on its engagement with other relevant accountability actors, particularly diverse Syrian and international civil society and other UN actors. This engagement provides a valuable opportunity, particularly over time, to provide feedback about, or otherwise address, gender trends that are visible to the IIIM in the work of these interlocutors. These trends may arise from the IIIM's analysis of information and evidence collected from these actors. They may also become apparent in other types of engagement. For example, initially, women were underrepresented in the discussions between the IIIM and Syrian civil society actors. Meaningful progress has been made towards addressing the imbalance, although continued efforts are required. The IIIM has

been implementing proactive measures to increase the participation and visibility of women-led and gender-focused Syrian civil society actors representing diverse perspectives across its multifaceted engagement.

- **Integrating a gender analysis into the IIIM's evidence processing, storage and retrieval systems:** In accordance with the emphasis in its mandate on the use of state-of-the-art software to facilitate its work (e.g. A/71/755, para. 15), the IIIM has invested significantly in procuring and operationalising sophisticated software that can handle the large quantity and varied formats of the evidence it collects. These technical capabilities afford new opportunities for integrating gender analysis into the construction of evidence processing, storage and retrieval systems, reinforcing the IIIM's capacity to integrate a gender analysis into its work effectively.
- **Addressing gender biases arising from technology-derived evidence:** With technology-derived evidence forming a central focus of the IIIM's work, it is crucial to understand gender biases embedded in technology as well as gender biases in the use of technology by affected populations inside and outside Syria. These include issues around who has access to technology; how that access is controlled; and variations in the way technology is used. The IIIM has carried out an initial mapping of gender issues concerning the use of technology in Syria and will continue to develop its knowledge of these issues. The IIIM is also coordinating its actions with other actors in exploring creative ways to use technology to facilitate accountability for gender-based crimes.
- **The opportunities presented by the IIIM's Structural Investigation:** The Structural Investigation is key to building the IIIM's understanding of structural gender factors in Syrian society and within affected communities during and after the commission of crimes. Under the Structural Investigation framework, this can be done in a more holistic and effective way than has historically been the case with courts and tribunals, which had caseloads that developed in a target driven and ad hoc way. In developing the Structural Investigation, the IIIM is fostering understanding of the structural gender factors in Syria that have had a bearing on the commission of core crimes and which should be reflected in individual evidentiary modules and case files, as appropriate. This overarching structural analysis also provides an effective foundation for teams to further develop a tailored gender approach in specific IIIM analytical projects (assisted by the internal checklist for developing a gender analysis). This approach should help to ensure that the influence of structural gender factors driving the commission of crimes is part of the narrative of the Syrian conflict.
- **The opportunities presented by the IIIM's modular approach to case file development:** The IIIM's evidentiary modules provide a significant opportunity for deepening its gender analysis. The modular approach recognises that the IIIM can provide meaningful assistance to other accountability actors not just through the development of full case files but also through individual evidentiary modules that address particularly challenging or complex aspects of international crimes, such as the existence of an armed conflict (for war crimes), the existence of a widespread or systematic attack against a civilian population or of a policy to commit crimes (for crimes against humanity), or the existence of a common criminal plan (for co-perpetrator or joint criminal enterprise liability). The IIIM can consider in detail how gender issues may arise in the context of each of these evidentiary modules and ensure that it tailors its approach accordingly.
- **Integrating gender analysis into the IIIM's support to competent jurisdictions:** The strong emphasis in the IIIM's mandate on engagement with national war crimes units and other justice actors provides a new opportunity to consider how gender can be factored into engagement between accountability actors at the national and international levels. Much of the IIIM's short-term work is focused on providing assistance to competent jurisdictions that are investigating and prosecuting crimes that fall within its mandate. This assistance takes various forms, including the provision of information and evidence, analytical work product, expert analysis and peer-to-peer engagement. The IIIM has an opportunity to use its engagement with national actors to mutually reinforce capacity to effectively address gender issues in the Syrian conflict.

2.6 PERIODIC REVIEW AND ADJUSTMENT OF GENDER STRATEGY

The IIIM commits to reviewing its Gender Strategy every two years and revising and strengthening it as necessary in light of its developing experience.

The IIIM further commits to integrating independent external experts into the review of its Gender Strategy, including experts located within other relevant UN agencies. The present version of the Strategy has benefited from in-depth consultations with experts drawn from Syrian and international civil society, the UN, and academia.

3. GENDER STRATEGY IMPLEMENTATION PLAN (APRIL 2021–MARCH 2023): PRACTICAL APPROACHES FOR INTEGRATING A GENDER ANALYSIS INTO THE IIIM’S WORK

3.1 METHODOLOGY AND RESPONSIBILITY FOR GENDER STRATEGY IMPLEMENTATION

As outlined in the Gender Strategy, the IIIM has identified five key steps as its methodology for integrating a gender analysis in all core aspects of its work, to be overseen by Section Chiefs in their respective areas of responsibility. These areas – as well as IIIM Outreach (see below, section 3.7) – serve as the basis of the IIIM’s Implementation Plan for 2021–2023, to be updated biennially:

- Developing a gender-competent institutional environment, methodologies and tools;
- Collecting and organising information and evidence in a gender-competent way;
- Analysing information and evidence using gender-competent approaches;
- Incorporating a gender analysis into the IIIM’s work to support broader justice objectives;
- Incorporating a gender analysis into the IIIM’s engagement with other actors.

The Gender Strategy applies to, and is to be implemented by, all IIIM Staff members. The Chiefs of each IIIM section are primarily responsible for implementing the Gender Strategy in their relevant areas of operation. While the current Implementation Plan offers general guidance, Section Chiefs will develop and update section-specific work plans implementing the Gender Strategy on a yearly basis.

3.2 BUILDING A GENDER-COMPETENT INSTITUTIONAL ENVIRONMENT, METHODOLOGIES AND TOOLS

To effectively address gender issues as part of the IIIM’s mandate, it is necessary to first establish and maintain an institutional environment free of (sexual) harassment, discrimination and abuse of authority and where respect for gender equality is a core value. The Chiefs of each IIIM section are primarily responsible for developing and implementing detailed, section-specific methodologies and tools for building a gender-competent institutional environment.

3.2.1 TESTING GENDER COMPETENCE AS PART OF ALL IIIM RECRUITMENT PROCESSES

The IIIM has a mandatory policy of ensuring that at least one question is asked in every recruitment process, regardless of the nature of the position, to test gender competence. Effectively demonstrating gender competence requires consideration of the candidate’s ability to incorporate a gender perspective and ensure the equal participation of women and men in all areas of work. Guided by UN Women’s Values and Competencies Framework adapted to the IIIM context, successful candidates may demonstrate gender competence in concrete ways that can apply in various professional fields. For example, candidates can demonstrate their understanding of gender-based disadvantage, discrimination and inequality in a range of contexts; provide examples of how they overcame biases or assumptions about gender roles; and (for managers) illustrate how they have supported team members in further developing gender competence in their daily work.

Recognising the challenges in formulating interview questions that adequately test gender competence and in assessing the adequacy of responses in a meaningful way, the IIIM provided workshops to assist staff in formulating questions and assessing candidates' responses using sample questions and responses. The workshop exchanges and surveys with participating staff informed the development of internal guidelines to be consulted before recruitments. These aim to further promote an effective and uniform approach to assessing gender competence as part of all IIIM recruitment processes, understanding that applicants from varied cultural, professional and educational backgrounds may describe gender equality and a gender perspective in terms related to specific linguistic and conceptual frameworks. If a candidate who does not show sufficient gender competence during the recruitment process is nonetheless selected, the candidate is supported to develop gender competence upon commencement of their functions.

3.2.2 INTEGRATING GENDER EXPERTISE THROUGHOUT THE OFFICE

As described above, the IIIM has a network of gender focal points across the office and has prioritised the recruitment of multiple staff members with significant specialised expertise on gender issues. The focal points also comprise the IIIM's Working Group on Gender and VSCA, supported by a thematic expert on gender. The Working Group is tasked, under the direction of the Deputy Head, with overseeing the development and implementation of the IIIM's Gender Strategy. The thematic expert on gender assists the Working Group in implementing the Gender Strategy, for example: by supporting the focal points in developing yearly section work plan targets on gender and specific tools; developing and coordinating the IIIM's gender training; and measuring and reporting on the Strategy's implementation. The IIIM has supplemented, and will continue to supplement, its in-house gender expertise as needed for specific projects.

3.2.3 CENTRING COMMITMENT TO GENDER EQUALITY AS A IIIM CORE VALUE

The IIIM Statement of Commitment has been adopted to situate gender equality as a core IIIM value. All staff members are required to sign the Statement of Commitment and measures have been adopted to promote its implementation. These include the development of a common performance appraisal goal based on the Statement of Commitment that is integrated into the yearly work plans of all IIIM staff members. In addition, all staff members meet with the Head and Deputy Head upon arrival to discuss the Statement of Commitment and the goal of gender equality as part of that document. The Head and Deputy Head renew discussions with staff members on issues relating to the Statement of Commitment on a periodic basis.

The Head and Deputy Head have also undertaken to follow up proactively on all matters brought to their attention concerning adherence to the values set out in the Statement of Commitment. The IIIM, as part of the Secretariat, incorporates screening for past violations of the UN's guidelines on prohibited conduct into its recruitment processes for all fixed-term appointments, using the UN's ClearCheck system.

3.2.4 INTEGRATING ACCOUNTABILITY FOR GENDER ANALYSIS INTO INDIVIDUAL WORK PLANS AND THE PERFORMANCE APPRAISAL PROCESS

Specific goals relating to the integration of gender analysis in the IIIM's accountability-related work are included in the yearly work plans of all relevant staff members, in addition to the common goal for all IIIM staff members, related to the Statement of Commitment.

3.2.5 GENDER-COMPETENT RESOURCE MANAGEMENT AT THE IIIM

Mainstreaming a gender perspective in resource management is a priority at the IIIM, in line with the identification of this objective as a growing priority across the United Nations System. The IIIM is guided by relevant performance indicators on human and financial resources as established in the UN System Wide Action Plan on Gender Equality and the Empowerment of Women (UN-SWAP), aimed at providing a system-wide accountability framework and coordination. These indicators aim to measure an entity's progress towards the advancement of gender equality through the implementation of initiatives such as regular reporting to governing bodies on gender issues (the General Assembly in the IIIM's case), the existence of a gender architecture, equal representation of women at all levels in its workforce, and implementation of an organisational culture that fully supports gender equality and the empowerment of women.

Yearly compacts between the UN Secretary-General and the Secretariat's most senior officers (heads of departments and entities) are another key element of the accountability system. They enshrine commitments to the reform agenda and set out the parameters by which senior managers will be assessed on their effective use of financial and human resources, commitment to diversity and sustainability, and implementation of oversight body recommendations including through gender mainstreaming. Through her annual compact, the Head of the IIIM has committed to taking measures towards the attainment of gender parity as defined by the UN System-wide Strategy on Gender Parity, to and supporting its implementation.

From its inception, the IIIM has integrated a gender perspective into the planning of its programmatic activities, and in the management of its resources, including in its recruitment and outreach campaign to attract qualified female candidates. This has been a particular priority in traditionally male dominated fields, such as e-Discovery and technology-related functions. As of 31 August 2022, women represent 60 percent of the total IIIM staff body. Women comprise 54 percent of all Professional-level staff, representing 57 percent of staff at the P-1 to P-3 levels, and 50 percent of staff at the P-4 to D-1 levels. The IIIM will continue to monitor and address gender imbalances and strive to achieve gender parity at every level through ongoing and future recruitment.

The IIIM has integrated financial resources for the training of staff on gender-related issues as a standard feature of its regular budget submission. In line with the UN-SWAP, the IIIM has made significant progress towards the implementation of the recommended gender architecture, with gender focal points in each section and the composition of a working group with terms of reference directed toward the ongoing development, strengthening and implementation of the IIIM's overall Gender Strategy. Gender-focused deliverables in the IIIM's 2022 budget submission include developing additional specialised gender-related products, such as tailored support, guidelines and analytical tools to better integrate a gender perspective into its substantive work. These products may be available for provision to external entities requesting the IIIM's assistance with justice efforts and activities related to gender-based crimes in the Syrian context, including sexual violence, and engagement with victims and survivors of such crimes (A/76/6 (Sect. 8), p. 93).

3.2.6 INTEGRATING A GENDER ANALYSIS INTO THE DEVELOPMENT OF STANDARD OPERATING PROCEDURES (SOPS) AND OTHER GUIDANCE DOCUMENTS

The IIIM is ensuring that a gender analysis is integrated into the development of all relevant SOPs and other guidance documents. The IIIM starts from the position that there are unlikely to be many SOPs/guidance documents where a gender analysis is not relevant. Section Chiefs who are responsible for developing the content of SOPs/guidance documents for their respective teams must be able to justify why a gender analysis is not applicable in cases where one has not been included.

The IIIM's approach to integrating a gender perspective in SOPs/guidance documents consists of two main components.

Specific SOPs/other guidance documents on gender issues

The IIIM is developing specific SOPs and other guidance documents for topics directly related to gender. For example, the IIIM is finalising guidance on interviewing sexual violence victims/survivors. It has also developed an internal checklist to inform the development of a gender analysis for analytical projects/evidentiary modules/case files.

Integrating gender analysis into all other SOPs and guidance documents

Whenever the IIIM is developing SOPs or other guidance documents on topics that do not directly centre on gender issues, efforts are made to identify and address gender issues that nevertheless arise. For example, the SOP on Requests for Assistance (RFAs) requires the integration of a gender analysis into the assessment of whether a jurisdiction applies fair trial standards for the purpose of determining whether the IIIM can share information and evidence. It is, in the first instance, for Section Chiefs responsible for developing SOPs to ensure that a gender analysis is integrated. The Deputy Head maintains oversight of this when reviewing SOPs and other guidance documents and is available to assist teams as needed.

When SOPs or other guidance documents are reviewed and updated, specific attention will be paid to whether amendments are needed to better integrate gender analysis, particularly in light of the IIIM's growing understanding of gender issues in the context of its mandate. The IIIM will also ensure that training on SOPs/guidance documents covers gender aspects.

3.2.7 GENDER TRAINING

The IIIM is committed to including a comprehensive and effective gender training programme as a core component of its Gender Strategy. The IIIM continues to develop its multi-layered approach to gender training, consisting of:

- Mandatory, foundational gender training for all IIIM staff members, regardless of function, tailored to the IIIM context;
- Mandatory advanced training for all IIIM staff members involved in accountability-related work, focused on increasing practical knowledge of how to integrate a gender analysis in relation to their respective functions and encouraging cross-sectional collaboration and information exchange;
- Timely completion of all mandatory UN training relating to gender;
- Training and technical support tailored to specific functions of staff members and identified needs; and
- Ad hoc seminars with external speakers who can broaden the IIIM's understanding of gender issues from many different perspectives.

3.2.8 PILOT PROJECTS

In the spirit of adopting a proactive approach to its Gender Strategy, the IIIM is committed to undertaking pilot projects to fast-track, test and refine its methodologies concerning gender in its substantive work, particularly given the many novel aspects of its mandate. The IIIM has already completed, commenced or conceptualised a number of such pilot projects, which are designed to encourage creativity and appropriate boundary-pushing. For example, IIIM has developed an internal checklist to apply a tailored gender analysis, integrated into an evidentiary module to support charges of crimes against humanity for ISIL-related conduct in Syria. It has also conducted a pilot project with Syrian and other civil society actors to undertake an initial mapping of gender roles and norms which can provide context for its work. The IIIM will supplement its in-house gender expertise for specific projects as necessary.

Example: Pilot project to analyse gender structures in Syria

The IIIM has conducted a pilot project with Syrian and other civil society actors to map gender structures to provide context for its Structural Investigation and overall work. As part of this, the IIIM is mapping existing resources/analysis concerning gender structures in Syria. The IIIM is supplementing these efforts through engagement with UN partners who are carrying out gender analyses of the Syrian situation.

The IIIM is developing tools to assist teams in understanding information related to gender structures in Syrian society. Such information relates to:

- Challenges faced by Syrian civil society actors focusing on the impact of GBV;
- Gender factors that have a bearing on the effectiveness of evidence gathering by accountability actors, including:
 - factors inhibiting victims/survivors from speaking out; and
 - factors that are relevant in assessing the credibility of evidence.
- Structural gender factors underpinning patterns of discrimination and violence;

- Invisible and indirect structural effects of violence against women and girls and persons of diverse sexual orientations or gender identities, including negative impacts on their political, economic and social status, such as dismissal from work, exclusion from education etc.;
- Structural gender factors that have a bearing on the categorisation of crimes or the assessment of individual criminal responsibility for crimes;
- Structural gender factors relevant to understanding the nature and gravity of harms inflicted; and
- Structural gender factors that inform the types of expert evidence that may be needed in presenting a criminal case.

3.2.9 PROVIDING HIGH-LEVEL SUPPORT FOR GENDER STRATEGY IMPLEMENTATION, INCLUDING THROUGH INTERNATIONAL GENDER CHAMPION COMMITMENTS

The IIIM recognises the value of both top-down and bottom-up commitment to gender. While the IIIM senior leadership has emphasised the importance of integrating gender throughout the IIIM's institutional structure and accountability work since its establishment, as an International Gender Champion, the Head of the IIIM has made further personal commitments to adopting and implementing the Gender Strategy. The International Gender Champions (IGC) is a global network of leaders dedicated to breaking down gender barriers and achieving gender equality in their respective spheres of influence. Since joining the IGC, the Head of the IIIM has met two personal commitments related to the Gender Strategy, having:

- Provided concrete support to IIIM's hiring managers in 2021 by way of guidance and training with a view to assist them in testing the gender competence of candidates in recruitment processes; and
- Adopted the IIIM's Gender Strategy in 2021 with a view to achieving gender equality and integrating a gender analysis into the creation and operation of the IIIM's institutional environment, as well as its work to build the foundation for justice and accountability for core international crimes committed in Syria since March 2011.

In 2022, the Head of the IIIM adopted two new commitments related to Gender Strategy implementation. These are to provide internal guidance on structural gender factors in Syria to enhance gender analysis in the IIIM's case-related work, and to finalise a legal brief integrating an intersectional gender analysis concerning core international crimes in Syria. She also supports the IGC's combatting GBV pledge, committing to stand for zero tolerance of all forms of GBV, sexist attitudes and behaviour. These high-level public commitments will promote internal and external focus on the implementation of the Gender Strategy in concrete terms and may encourage other global leaders to commit to similar measures within their own spheres of influence.

3.2.10 ENCOURAGING CREATIVE THINKING ON GENDER WITHIN THE OFFICE

The IIIM encourages creative and progressive thinking on gender approaches throughout the office and welcomes ideas and input from staff members at every level. To facilitate dynamic engagement on gender, the IIIM is committed to building on the work of its internal gender think-tank, a staff-led volunteer group supported by management. This initiative has evolved into a more formal Working Group on Gender and VSCA, which encourages initiatives from the broader staff body, particularly efforts to identify creative new angles and processes to strengthen the IIIM's approach to gender. All IIIM staff members are encouraged to contribute ideas to the Working Group, including on their sections' work plans; further development of the Gender homepage; related speaking events; and documentaries.

3.3 COLLECTING AND ORGANISING INFORMATION AND EVIDENCE IN A GENDER-COMPETENT WAY

3.3.1 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S COLLECTION ACTIVITIES: TARGETED REQUESTS FOR INFORMATION AND THE USE OF THE IIIM'S DIRECT INVESTIGATIVE (GAP-FILLING) MANDATE

The IIIM takes a proactive approach to filling identified gaps in its Central Repository, using its direct investigative mandate to make targeted requests for assistance to actors with whom it has cooperation frameworks, or using its direct investigative capabilities. The IIIM will integrate a gender analysis into all collection modes. This takes several forms:

- Prioritising the collection of information and evidence from other actors regarding known categories of gender-based crimes;
- Pursuing cooperation frameworks with a broad spectrum of actors who are specifically working to document gender-based crimes and other categories of crimes that tend to be overlooked, including crimes disproportionately harming women and girls and persons of diverse sexual orientations or gender identities;
- Keeping regularly updated sex-disaggregated statistics through analytical processes at the project level to enable the IIIM to monitor the nature of the gaps in its evidence collection and to take proactive steps to address these gaps through targeted collections, targeted investigations or other effective approaches;
- Ensuring that a gender analysis is integrated into the formulation of targeted requests for assistance;
- Ensuring that a gender analysis is integrated into the formulation of the IIIM's investigation plans and throughout their implementation, and adopting investigation plans specifically focused on GBV and other acts targeting or disproportionately impacting women, men, girls, boys or persons of diverse sexual orientations or gender identities on the basis of their gender;
- Identifying gaps in the IIIM's Central Repository concerning gender-based crimes surfacing through analytical project work, as well as the underrepresentation of statements from victim/survivor witnesses, expert witnesses, insider witnesses, defectors, overview witnesses and/or any other category, from certain genders. The IIIM is particularly vigilant concerning the possibility of women and girls and persons of diverse sexual orientations or gender identities, being underrepresented;
- Adhering to the IIIM's guidance on interviewing sexual violence victims/survivors and developing and implementing other specialised SOPs/guidance documents/tools on gender issues as necessary; and
- Integrating a gender analysis into the development of general SOPs for collections investigations work.

3.3.2 ADDRESSING GENDER ISSUES IN THE IIIM'S ENGAGEMENT WITH VICTIM/SURVIVOR WITNESSES

The IIIM comes into direct contact with female victims/survivors and victims/survivors of gender-based crimes in a number of different contexts, including for the purpose of witness interviews or referring witnesses interviewed by others to national jurisdictions (subject to applicable consent procedures). The IIIM also engages with victims/survivors as part of its outreach and engagement with victim/survivor associations, which is dealt with further below.

In all relevant interactions, the IIIM is committed to adopting a rights-based approach that views victims/survivors as rights-bearers, rather than beneficiaries. This approach seeks to respect the agency of the victim/survivor; does not reinforce prejudicial gender stereotypes; and, where possible, adopts approaches that will help to dismantle stereotypes. The IIIM's approach to decision-making on matters that directly impact the rights of victims/survivors takes into account their needs and preferences, even where this would impede the IIIM's work. A broad range of victim/survivor rights is considered in the IIIM's VSCA, but for present purposes the most relevant are:

- **Equal and effective access to justice** through inclusive, two-way dialogue that involves both sharing and receiving information on a regular basis;
- **Respect, dignity, and acknowledgment** through recognition of the harms suffered and the wrongfulness of the conduct that caused suffering, and consultation, where possible, on the labelling and characterisation of crimes;
- **Provision of adequate, accurate and appropriate information** to help manage expectations and facilitate informed choices, including with respect to available support and protection;
- **Participation**, including the possibility to request investigative actions to preserve or collect evidence and/or to request the adoption of appropriate and feasible safety and security measures; and
- **Protection**, through informed consent, measures to minimise or counter risks, infrastructure and systems for protection and support, and medical, mental health and psychosocial, and other support.

While the full realisation of victim/survivor rights depends on their respect and enforcement in many areas that are beyond the IIIM's mandate, these rights will be integrated into the IIIM's work to the fullest extent possible.

The IIIM's VSCA advances core principles governing its engagement with female victim/survivor witnesses and victim/survivor witnesses of gender-based crimes, including:

- Identifying and assessing repercussions of IIIM's work and adopting appropriate measures to mitigate potential risks and prevent or minimise potential harms and negative consequences for victim/survivor witnesses, their family members and communities. Engaging with witnesses will not proceed where the potential risks cannot be appropriately mitigated, or potential harms or negative consequences minimised;
- Ensuring compliance with the IIIM's guidance on interviewing victims/survivors of sexual violence;
- Developing additional specialised guidance, including on gender-based crimes other than sexual violence and on child victims/survivors of sexual violence; and
- Paying specific attention to the needs of female victim/survivor witnesses and victim/survivor witnesses of gender-based crimes, informed by an intersectional approach, in developing the IIIM's referral pathways (connecting survivors with appropriate service providers).

Witness support and protection

The IIIM is also committed to integrating a gender analysis into the structure and functioning of its witness support and protection services. This includes:

- Ensuring that the work and perspectives of both its Witness Protection Officer and Witness Support Officer are equally valued and given due weight, promoting a holistic and coordinated view of witness support and protection considerations that avoids organisational hierarchies detrimental to the well-being of victim/survivor witnesses; and
- Ensuring a gender analysis is integrated into the assessment of threats and risks facing victims/survivors and into the overall assessment of requirements to promote the well-being of the victim/survivor, and the action the IIIM will take in response.

Preventing and managing secondary traumatic stress and vicarious trauma to ensure effective support for victims/survivors

Staff members who work with victim/survivor witnesses or their evidence may be affected by secondary traumatic stress, sometimes leading to vicarious trauma, which can be exacerbated in cases involving young victims, sexual violence or other crimes with heightened trauma elements. Secondary traumatic stress can be amplified by staff members' personal experiences and gender, age group, ethnicity, nationality or religion shared with the victim/survivor witnesses, which can intensify feelings of empathy and the emotional toll of exposure. As part of its commitment to organisational health and supporting the mental and physical wellbeing of all staff members, the IIIM is addressing the issue of secondary traumatic stress and vicarious trauma resulting from exposure to traumatic content and/or traumatised individuals.

By developing guidance regarding the review of traumatic materials, providing regular bespoke training, and facilitating access to mental health services, the IIIM seeks to ensure that its staff members are sufficiently aware of how to prevent and manage secondary traumatic stress and are fit to perform their duties and provide victims/survivors with the care and support required to engage with the IIIM safely and effectively. The IIIM's Witness Support Officer coordinates these efforts.

3.3.3 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S EVIDENCE PROCESSING AND MANAGEMENT SYSTEM

The IIIM is committed to ensuring that its state-of-the-art information and evidence management system is designed in a way that both reflects a gender analysis and facilitates the IIIM's analytical work on GBV in the most effective way possible. This objective was identified from the beginning of the IIIM's work with a commitment to ensuring that a gender analysis is integrated into the design of the evidence management system.

Specific approaches include:

- Integrating a gender analysis into the configuration of the IIIM's information and evidence management system including platforms used by the IIIM, and ensuring the configuration of the IIIM's indexing and search capabilities to facilitate retrieval of relevant information and evidence concerning GBV and identification of related document clusters;
- Including gender focus as an agenda item in regular meetings between Collections and Analysis, Support and Sharing, and evidence processing teams, to identify effective measures to implement gender-competent approaches; and
- Training all staff on how to enter and extract information with a gender perspective.

3.4 ANALYSING INFORMATION AND EVIDENCE USING GENDER-COMPETENT APPROACHES

3.4.1 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S STRUCTURAL INVESTIGATION

The IIIM's Structural Investigation provides a valuable opportunity to carry out overarching gender analyses regarding the commission of crimes in Syria, which can be used as a foundation for the IIIM's case files. This includes gender analysis of:

- The overall context within which the crimes were committed;
- Crime patterns (and specifically mapping gender-based crimes that have occurred in Syria, as well as the psychological impact of witnessing such harm);
- Contextual elements for core international crimes;
- Structures underpinning the commission of crimes;
- The overall objectives/purpose/policy behind the commission of crimes and determination of the existence of one or more common criminal purposes;
- Factors relevant to proving the foreseeability of the commission of crimes (for a range of potential modes of liability, including superior responsibility);
- The impact of crimes upon victims/survivors and affected communities; and
- Gender structures operating in Syrian society and/or within communities affected by crimes in Syria, including gender structures driving violence and impacting on the experiences of victims/survivors.

The IIIM is working to revise the Structural Investigation map in light of its experience so far and to prioritise the next phase of development. The IIIM is integrating a gender analysis into this process.

3.4.2 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S ANALYTICAL PROJECTS, EVIDENTIARY MODULES AND CASE FILES

The IIIM is committed to developing a gender analysis for each analytical project, evidentiary module and case file it undertakes. These analyses are important vehicles for ensuring that gender issues not historically well recognised are identified and addressed as part of the IIIM's work. The IIIM starts from the assumption that every project has gendered aspects, rather than assuming that projects will be gender neutral. While the content of a gender analysis may be more obvious in some cases than in others, it is difficult to imagine many – or any – projects where a gender analysis will not be needed. A gender analysis not only concerns the types of crimes and modes of liability at issue, but also: the types of witnesses identified and interviewed; the types of contextual information compiled; gendered understandings of the impact of crimes; issues concerning gender and technology; and more.

The IIIM has developed an internal gender analysis checklist. This checklist is a tool for assisting teams to integrate a gender perspective into each new analytical project/evidentiary module/case file. The IIIM is using this checklist to assist in developing a tailored gender analysis as a standard practice. A gender analysis should be carefully and fully formulated in the context of the specific gender approaches for each project/evidentiary module/case file.

The IIIM is taking steps to ensure that sexual violence evidence reviewed for analytical projects is clearly marked and effectively and confidentially tracked in its Central Repository. This is important given the potential for this evidence to raise heightened privacy and protection concerns. It is also an important tool to enable the IIIM to

keep an overview of this specific category of crimes, given the historical tendency for their underrepresentation in accountability proceedings. The IIIM will seek to track evidence disclosing indirect victims/survivors of sexual violence (such as children who may have witnessed sexual violence), to ensure they are not lost as victims/survivors.

Given the IIIM's knowledge of the events in Syria, it is already possible to identify certain topics that will need to be addressed in the IIIM's work, including several where the IIIM has an opportunity to extend a gender analysis into areas that have been underexplored previously, thereby adding significant value to the work of others. To do this, the IIIM seeks to understand the causes for these historical omissions and the strategies that will be required to correct them. The IIIM maintains an overall matrix of gender analysis pillars in its work. The matrix will be regularly updated by the Working Group on Gender and VSCA in light of evolving insights from the IIIM's work.

3.4.3 USING GENDER-COMPETENT LANGUAGE AND AVOIDING GENDER STEREOTYPES

In all of its analytical work, including its evidentiary modules and case files, the IIIM will use gender-competent language and avoid gender stereotypes. Where possible, the IIIM will help counter problematic stereotypes through its approach to presenting its analytical work. For example, by emphasising the violent and grave nature of a crime such as rape, the IIIM can contribute to dismantling problematic historical stereotypes that discount such crimes as matters of honour and dignity that are less grave than other violations of physical integrity. The IIIM will avoid language that casts women or girls and/or victims/survivors of gender-based crimes as inherently weak or vulnerable and focus on circumstances that may give rise to particular vulnerabilities.

3.5 INCORPORATING A GENDER ANALYSIS INTO THE IIIM'S WORK TO SUPPORT BROADER JUSTICE OBJECTIVES

Although the IIIM's mandate is primarily focused on facilitating justice and accountability for core international crimes, this mandate is situated within a broader justice framework. Accordingly, and consistent with its VSCA, the IIIM has committed to supporting such broader justice objectives whenever possible within the confines of existing resources. One compelling example is the search for persons who are missing as a result of the armed conflict in Syria. The documentation and analysis work done by the IIIM may also be relevant to broader objectives, such as reparations or restitution for victims/survivors of crimes or civil/social status issues.

The General Assembly has welcomed the IIIM's efforts to assist in the search for missing persons in the Syrian context and encouraged the Mechanism to identify additional ways and means to contribute to this end (Resolution 76/228). The Secretary-General has also recognised the IIIM's efforts, and provided the General Assembly with further recommendations to address the issue of missing persons in Syria in his report of 2 August 2022 (76/890), including the gendered impact of disappearances. The Mechanism remains committed to contributing to existing and future efforts to address the issue, and to integrating a gender analysis into its work on missing persons and other broader justice objectives.

Recognising the urgency expressed by victims/survivors in accessing information about the fate of their missing loved ones, initial objectives identified for the IIIM's work include:

- Integrating the search for the missing into the IIIM's processes related to its accountability-related analytical work and support to competent jurisdictions, and developing systems to maximise the use of information that can support such searches. This includes liaising with entities mandated to search for missing persons with a view to identifying what specific information would best support their search, developing a tagging system in the IIIM's Central Repository to identify relevant information, entering frameworks for sharing this information with entities mandated to search for the missing and proactively transferring that material on a regular basis where possible;
- Ensuring that IIIM analytical work, casefiles and relevant information and evidence shared with competent jurisdictions incorporate the impact of crimes on the missing and their families, including by recognising the gendered harms caused as potential crimes such as

enforced disappearance, torture and cruel and inhuman treatment (encompassing both immediate and long-term physical and psychological harms);

- Accurately reflecting in the IIIM's work the full nature and gravity of such crimes on families and communities, beyond the immediate harms caused by the death or disappearance of (mostly) male family members during armed conflict. For example, such crimes lead to an increase in female heads of household who are left to navigate often unfamiliar and harsh legal, social, economic realities to survive and provide for their families;
- Recognising that these crimes are compounded by the process of searching for missing relatives, which can disproportionately expose females to further risks of gender-based violence and financial extortion, and assisting the search for missing persons where possible to contribute towards alleviating some of these compounded harms and risks;
- Using the IIIM's accountability-focused investigative mandate in a way that assists in the search for the missing, for example, when interviewing a witness, asking additional questions that could provide important insights on the whereabouts of missing persons;
- Checking for potential biases in relation to forensic evidence and other sources related to missing persons, which may under-represent or exclude evidence and perspectives of female and child victims;
- Ensuring the inclusion of women as evidence providers both as surviving family members and survivors of enforced disappearance, and leveraging their experience in the search for missing persons through continued dialogue; and
- Facilitating engagement with victims/survivors regarding their priorities for reparations and other requested relief in prospective national and international proceedings.

3.6 INCORPORATING A GENDER ANALYSIS INTO THE IIIM'S ENGAGEMENT WITH OTHER ACTORS

As noted, given the specific nature of the IIIM's mandate, it has many new opportunities to integrate a gender analysis into its engagement with a broad array of interlocutors. The IIIM aims to trigger effective engagement on gender issues with these interlocutors, in order to enhance respective capacities on gender analysis.

3.6.1 INTEGRATING GENDER ANALYSIS INTO ITS ENGAGEMENT WITH COMPETENT JURISDICTIONS

The IIIM's engagement with national war crimes units and other justice actors occurs across many different parts of the office, which are each responsible for developing and implementing specific methodologies and tools for integrating a gender analysis into their respective aspects of engagement. Components of such an analysis may include:

- Tracking the inclusion of gender-related issues in RFAs received from competent jurisdictions;
- Using the IIIM's proactive sharing mandate to strengthen the capacity of competent jurisdictions to address gender issues including, for example, sharing relevant analytical modules incorporating a robust gender analysis or insights from the IIIM's pilot projects, civil society engagement and other efforts to understand and integrate the relevance of gender structures in Syrian society;
- Sharing the IIIM Gender Strategy with national jurisdictions and establishing peer-to-peer dialogue regarding best practices and lessons learned on the development and use of gender approaches;

- Incorporating gender considerations into programs and workshops with national jurisdictions and involving national prosecutors in the IIIM's gender training programs;
- Utilising the Eurojust Genocide Network as a forum to mutually reinforce the capacity of the IIIM and national war crimes units on gender issues in the context of Syria; and
- Engaging collaboratively with national counterparts to understand and assist in overcoming legal, procedural, societal and systemic barriers to prosecuting gender-based harms committed in the Syrian context. The IIIM will identify best practices from jurisdictions with which it collaborates that have an encouraging track-record on prosecuting gender-based crimes.

3.6.2 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S ENGAGEMENT WITH CIVIL SOCIETY ACTORS

The IIIM's engagement with civil society actors occurs across many different parts of the office. A successful strategy depends on coordinated action in implementing specific methodologies and tools for integrating a gender analysis into the various aspects of this engagement. The actions set out below are intended to serve as a foundation for this process.

Negotiating cooperation frameworks

The IIIM seeks to integrate a gender analysis into its cooperation frameworks, such as the negotiation of MoUs. The analysis will include both the identification and prioritisation of cooperation partners and the content of the MoUs or other frameworks that result. The IIIM will also seek to engage in dialogue on gender with civil society actors when negotiating cooperation frameworks.

Feedback to evidence providers concerning gender issues

The IIIM has undertaken to provide feedback to information and evidence providers to the extent possible, to help them increase the value of their work for accountability purposes. Given resource constraints, this usually takes the form of general feedback reflecting overall trends and challenges, rather than individualised comments. The IIIM is paying specific attention to feedback that would strengthen documentation regarding gender-based crimes or the integration of gender analysis into documentation work.

Given that documentation regarding GBV raises particular challenges, the collection and analysis of evidence concerning GBV within the IIIM's mandate will be an important vehicle for formulating concrete feedback.

The Lausanne Platform and other IIIM civil society consultations

The Lausanne Platform, supported by the Netherlands and Switzerland, has been an important and novel component of the IIIM's overall engagement with Syrian civil society. The IIIM conducts a wide range of other civil society consultations as part of its commitment to a two-way dialogue with a broad spectrum of civil society actors.

Approaches for integrating a gender analysis into the IIIM's civil society consultations include:

- Mapping women-led NGOs and NGOs working on gender and ensuring that civil society consultations pursue broad engagement with these groups. This is informed by the parallel engagement strategy the IIIM is implementing regarding survivor associations;
- Ensuring that women and persons of diverse sexual orientations or gender identities are fairly represented in the engagement the IIIM undertakes with victim/survivor and other civil society groups;
- Articulating core commitments regarding the integration of women and gender as part of the IIIM's civil society consultations; and
- Ensuring due attention to gender issues in the programs for civil society consultations.

Broadening engagement with Syrian women-led NGOs and NGOs focusing on gender issues as well as actors other than NGOs working on these issues

The IIIM's efforts to broaden its engagement with Syrian women-led NGOs and NGOs focusing on gender issues include:

- Ensuring that the IIIM's periodic Syrian NGO Bulletin addresses gender issues; and
- Consultations with focus groups regarding key aspects of the IIIM's work on gender, including the Gender Strategy.

Broader engagement on gender issues with actors other than NGOs and survivor associations, including media actors and organisations supporting Syrian victims/survivors of gender-based harms, will be pursued to better understand the level of harm to community/social cohesion etc.

3.6.3 INTEGRATING GENDER ANALYSIS INTO THE IIIM'S ENGAGEMENT WITH VICTIM/SURVIVOR ASSOCIATIONS

As part of its VSCA and informed by developing best practices, the IIIM is prioritising engagement with victim/survivor associations whose work relates to crimes committed in Syria. These associations have a crucial perspective on the issue of accountability, which the IIIM is committed to understanding and taking into account in its work to the greatest possible extent. The IIIM is ensuring that women-led associations, and other associations whose work focuses on the experiences of individuals at risk of being marginalised due to gender considerations, are well represented in the IIIM's engagement efforts.

The IIIM continues to map victim/survivor perspectives on accountability, informed by its many consultations on victim/survivor issues. These consultations reveal multifaceted gender justice considerations for the IIIM's work, including:

- That women may need more time to articulate their justice demands and priorities, given their many pressing day-to-day survival issues;
- That women's perception of justice may be different from men's, with particular emphasis on a holistic treatment of the gendered social, economic and political repercussions of crimes;
- The importance of hearing the voices of women and girls on the gender-differentiated impact of violations;
- Avoiding a compartmentalised approach to sexual violence crimes;
- Recognising continuing harm women and girls experience upon release from detention;
- Taking into account the perspectives of women and girls with disabilities; and
- Recognising the agency and expertise of women and girls concerning their own situation.

3.7 IIIM OUTREACH

All IIIM staff members involved in outreach activities are responsible for implementing measures to integrate a gender analysis into such activities. The actions set out below are intended to serve as a foundation for this process:

- Ensuring that a gender analysis is integrated into the content of the IIIM's website;
- Ensuring that a gender analysis is integrated into the design of the IIIM's general outreach materials;
- Ensuring that engagement with Syrian women and girls, as well as women and girls from other affected communities, is prioritised as part of the IIIM's overall outreach strategy and that approaches are developed to overcome barriers to reaching female interlocutors;
- Implementing the IIIM's commitment to integrating positive messaging on gender (both institutional and substantive issues) as a core part of its outreach;
- Continuing engagement with UN entities and other interlocutors that can support the Gender Strategy's development and implementation in areas of mutual interest and assisting those interlocutors to integrate a gender analysis into their work; and
- Publishing a version of the IIIM Gender Strategy.

4. CONCLUSION

Facilitating inclusive justice is an enduring challenge that requires proactive strategies and sustained attention from many actors. We hope that this document provides insight into the IIIM's approach and efforts to pursue equality and gender analysis in its work on a practical level. Through ongoing consultation, the IIIM is committed to reviewing and strengthening the Gender Strategy and its implementation, as we work with victims/survivors to eliminate the role that gender discrimination or bias may play in reducing the prospects for achieving justice for crimes committed in Syria since 2011.

Moving forward, the IIIM seeks to share its Gender Strategy and Implementation Plan with other accountability actors, UN partners, victims/survivors and civil society organisations working on gender and accountability. We hope to contribute to the growing community of practice in building effective strategies and methodologies for integrating a gender analysis, and to learn from others through continuing engagement.

Readers seeking a document that highlights the key elements of the technical version are advised to consult the IIIM's **Gender Strategy and Implementation Plan – Abridged Version**, intended for a broader audience. We hope that both versions can serve as useful tools for all those engaged in accountability and justice.

ACKNOWLEDGEMENTS

During consultations on the draft Gender Strategy and Implementation plan, launched internally last year, the IIIM benefited immensely from extensive input provided by experts drawn from Syrian civil society, victims/survivors, advocates, practitioners, academia and UN partners, in addition to IIIM staff. We gratefully acknowledge the contributions from the many individuals and organisations that generously provided their time, insights and expertise to improve the draft. As the Gender Strategy and Implementation Plan are living documents, ongoing feedback and insights will help further strengthen these policy documents and their impact. We appreciate the continued support and engagement with the IIIM.

ABBREVIATIONS

CEDAW	Committee on the Elimination of Discrimination against Women / Convention on the Elimination of all Forms of Discrimination against Women
Central Repository	IIIM's Central Repository of Information and Evidence
CRSV	Conflict-related sexual violence
D-1	Director level category of staff
GBC	Gender-based crimes
GBV	Gender-based violence
GPPI	Global Public Policy Institute
ICC	International Criminal Court
ICC SGBC Policy Paper	ICC Office of the Prosecutor, Policy Paper on Sexual and Gender-Based Crimes, June 2014
ICC Statute	Rome Statute of the International Criminal Court
ICL	International criminal law
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IGC	International Gender Champions
IIIM	International, Impartial and Independent Mechanism 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
MoUs	Memoranda of Understanding
NGOs	Non-governmental organisations
OHCHR	Office of the High Commissioner for Human Rights
P-1 to P-5	Professional level category of staff
RFAs	Requests for Assistance
SGBC	Sexual and gender-based crimes
SGBV	Sexual and gender-based violence
SOPs	Standard operating procedures
Syria COI	Independent International Commission of Inquiry on the Syrian Arab Republic
UN	United Nations
UN-SWAP	United Nations System Wide Action Plan
UNFPA	United Nations Population Fund
VSCA	Victim/survivor-centred approach
Working Group	IIIM's Working Group on Gender and the VSCA

GLOSSARY

This glossary defines terms as used by the IIIM within the context of its mandate and accountability-related work. The IIIM acknowledges some definitions may vary in other contexts. Each term is expounded on within the body of this document.

Competent Jurisdictions: The jurisdictions with which the IIIM can share information. This term refers to courts and tribunals, and encompasses law enforcement agencies, investigative authorities, prosecutorial authorities, and judges that:

- Have jurisdiction to investigate, prosecute and try the crimes covered by the IIIM's mandate;
- Respect international human rights laws and standards; and
- Would not apply the death penalty for the offences being considered.

It extends also to civil law proceedings that concern liability for crimes in Syria that fall under the IIIM's mandate and provide a concrete justice opportunity for victims/survivors.

Conflict-related sexual violence (CRSV): Sexual violence that is directly or indirectly linked to a conflict. The UN Secretary-General has defined and extensively reported on CRSV incidents, patterns and trends in annual reports to the UN Security Council (see e.g. S/2021/312).

Discriminatory gender hierarchy: The structural imbalance of power caused by socially constructed gender roles, with women and girls at the bottom. Whether intentional or not, socially constructed roles result in "hierarchical relationships between women and men and in the distribution of power and rights favouring men and disadvantaging women" (CEDAW General Recommendation No. 28 (2010)).

Gender: A social construction, encompassing the roles, behaviours, activities, and attributes assigned to women, men, girls and boys. In comparison, sex typically refers to biological characteristics, often ascribed on the basis of individuals' reproductive functions. Gender is also understood as encompassing sexual orientation and gender identity, recognising that pre-existing beliefs and prejudices drive gendered harms against individuals and groups whose identities do not conform with societal gender norms.

Gender analysis: A systematic analytical process that uses sex-disaggregated and other relevant information to understand how gendered inequalities and related social norms and power relationships may affect the commission, experience, consequences and impact of crimes and violations falling within the IIIM's mandate.

The IIIM is committed to integrating a gender analysis throughout its accountability-related work.

Gender perspective: "An understanding of differences in status, power, roles, and needs between males and females, and the impact of gender on people's opportunities and interactions" (ICC SGBC Policy Paper). The IIIM also considers how these differences impact individuals with diverse sexual orientations or gender identities.

Gender roles: Social constructions of an individual's or a group's identity based on their perceived sex and/or gender, reflecting a set of ideas, beliefs, prejudices or stereotypes regarding acceptable behaviours, activities or attributes. They are learned or acquired during socialisation into communities, vary widely within and between cultures, and can change over time.

Gender-based crimes (GBC): Those crimes committed against persons "because of their sex and/or socially constructed gender roles" (ICC SGBC Policy Paper). The IIIM focuses on GBC that fit within its Terms of Reference which mandate the "investigation and prosecution of the most serious crimes under international law, in particular the crime of genocide, crimes against humanity and war crimes, as defined in relevant sources of international law".

Gender-based violence (GBV): Structural violence directed towards, or disproportionately affecting

someone, because of their gender or sex, including perceived transgression of the gender norms in their community or society. GBV takes multiple forms and affects victims throughout their life cycle (CEDAW General Recommendation No. 35 (2017)).

Intersectional feminist approach: Incorporating a feminist approach – “an analytical approach that foregrounds women’s and girls’ experiences in order to demonstrate systematic discrimination against them and advance their struggles for equality” – with the application of an intersectional lens to reflect “overlapping systems of oppression and their interaction, such as connections between discrimination and violence based on gender, race, class, sexuality, religion and disability” (UNFPA, 2021). Applying an intersectional analysis and ensuring the comprehensive integration of gender analysis into all of the IIIM’s work are key tools in the implementation of the IIIM’s intersectional feminist approach.

Intersectionality: An approach for understanding the ways in which different aspects of a person’s identity can expose them to overlapping forms of discrimination. An individual can inhabit multiple identity categories simultaneously and experience discrimination and harm as a consequence of the intersection of two or more discriminatory social hierarchies within which those identities are situated. The IIIM recognises the role of intersections between gender and other factors, such as race, ethnicity, religion, sexuality, class/socioeconomic background, age and disability, in determining an individual’s experience of armed conflict, atrocity crimes and the harms inflicted.

Persons of diverse sexual orientations or gender identities: Persons who face violence or discrimination on the basis of their actual or perceived sexual orientation, gender identity or sex characteristics [SOGI]. While no term is exhaustive or universally accepted, diverse SOGI can include lesbian, gay, bisexual, transgender, queer, intersex [LGBTQI] or other forms of sexual orientation, gender identity or expression, or sex characteristics. References to men, women, boys and girls in the Gender Strategy do not exclude persons who might not identify themselves with binary gender identities.

Sexual violence: A descriptive term for various forms of violence of a sexual nature, also defined as a crime under ICL. In the context of the IIIM’s work, sexual violence encompasses acts of a sexual nature against one or more persons and/or that cause a person or persons to engage in, witness or anticipate the commission, including against another person(s), of an act of a sexual nature by taking advantage of the coercive circumstances of armed conflict, crimes against humanity or genocide, or other circumstances in which the victim is incapable of giving “genuine consent” (see ICC Elements of Crimes for “sexual violence”). As criminally prohibited conduct, sexual violence can be prosecuted under various crime categories under ICL depending on the context, including as rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or “any other form of sexual violence” as crimes against humanity or war crimes under the ICC Statute. Acts of sexual violence can also meet the definition of general crime categories, such as torture, persecution and genocide.

Structural Investigation: A framework developed by the IIIM to facilitate the mapping of overarching crimes patterns, structures of power, relevant actors and the broader context underlying all events within the IIIM’s mandate. The IIIM has developed a Syria-focused Structural Investigation as a key tool to facilitate justice. It is designed to build a broad and contextual understanding of the Syrian conflict that guides its evidence collection and analytical work. The objective is to paint a comprehensive picture able to advance accountability in various concrete ways and to serve as a foundation for case files focused on individual perpetrators. It consists of the IIIM’s Central Repository of Information and Evidence and strategic lines of inquiry within which analytical blocks are developed to facilitate the work of justice actors now and in the future.

Victims/Survivors: A term that the IIIM has adopted rather than using “Victims” or “Survivors”. The IIIM recognises that it is for the individuals concerned to determine their preferred terminology according to the circumstances and context. Some victims and survivors have informed the IIIM that they see the term victim as disempowering and prefer the term survivor, while others see victim as an accurate description and a clear acknowledgement of the harms they have endured and continue to endure. In the international criminal justice context, survivor is not always an accurate term as not all harmed persons have survived, and the term victim has legal significance and may confer rights in some proceedings.

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