

WORKING DRAFT – 15 May 2023

QUICK REFERENCE GUIDE: TEMPLATE CHECKLIST

Overall objective:

To integrate thematic perspectives and expertise into the development of the analytical project from an early stage, which becomes more difficult later in the process. This includes:

- Surfacing gender, children¹ and youth² and other intersectional factors that have historically been neglected;
- Indicating how structural discrimination puts individuals or groups at risk for particular harms;
- Contextualizing harms under applicable legal frameworks; and
- Identifying and addressing misconceptions and other barriers that undermine effectively integrating a victim/survivor-centered approach (VSCA), gender perspective and child and youth-sensitive approach.

Overarching considerations:

- Review the IIIM’s mapping of victim/survivor perspectives and ask the thematic Working Groups for more specific information regarding **victim/survivor perspectives** relevant to the analytical project – for example, expressed preferences regarding the characterization of crimes and harms suffered, concerns regarding witness safety or security and perceived gaps in evidence-gathering or case-building.
- Ensure that any intersections between the work to be done on the analytical project and the **search for missing persons** are leveraged to the extent possible – for example, where witnesses to be interviewed have relevant information that could be efficiently collected.
- As a matter of course, consider the relevance of **intersectional factors** (including gender, age, religion, disability, displacement status) – for example, identifying specific harms experienced by girls in Syria due to structural disadvantage resulting from both their gender and child status, as well as other intersectional factors that drive the violations or compound the harms inflicted.

CHECKLIST

1. Initial contextual framing (based on available materials)

- ✓ **Gender contextual framing:** In relation to the analytical project, what do we know about the different experiences of women, men, girls and boys, and persons with diverse sexual orientations or gender identities, and structural discrimination against them?
- ✓ **Children and youth contextual framing:** In relation to the events under consideration, what can we learn about the experiences of children and youth in different age groups and structural discrimination affecting children and youth?
- ✓ **Perpetrator groups and structural discrimination:** What can we learn about how gender structures and structural discrimination against children and youth worked within the perpetrator groups, and what is the relevance of intersectional factors?
- ✓ **Check for blind spots:** In considering these perspectives, what issues or experiences are missing or hidden from mainstream documentation work?

¹ The IIIM regards every human being below the age of 18 years as a child.

² The IIIM uses the terms “youth” and “young people” interchangeably. Youth/young people are individuals aged 18 to 29.



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- ✓ **Relevant legal frameworks:** In defining the objectives and outcomes of the analytical project, consider the most likely legal avenues for its use and applicable frameworks, and how they incorporate gender-based crimes, crimes against and affecting children, missing persons and a VSCA.
- ✓ **Thematic issue matrix:** Flowing from this initial analysis, begin a tailored issue matrix as a guide for the analytical project reflecting the team’s initial findings on the contextual analysis, particularly:
 - Biases that could negatively affect the analytical project’s development, such as those embedded in applicable legal frameworks;
 - Any other blind spots uncovered; and
 - Initial thinking or strategies on how to address these issues to ensure effective integration of a gender perspective and child sensitive approach.

2. *Assessing current evidence/materials*

- ✓ **Gender considerations:** As part of the assessment of existing evidence relevant to the analytical project, identify materials referring to the experiences of women and girls or gendered experiences of men and boys, and issues such as gendered intentions behind the commission of crimes.
- ✓ **Experiences of children and youth:** Assess existing evidence relevant to the analytical project for materials referring to the experiences of children and youth.

3. *Identification of operational barriers and solutions*

- ✓ **Assess operational barriers:** Seek to understand the operational factors that present the main obstacles to an inclusive understanding of the events in question.
- ✓ **Consult internal tools** such as the victim/survivor perspectives mapping document and operational barriers and strategies starter list (Annex B [substance redacted from public version]), and where appropriate, **key interlocutors** including other entities working on documentation and accountability.
- ✓ **Identify strategies/solutions:** Identify proactive strategies that would assist in overcoming the obstacles (examples provided in Annex B).
- ✓ **Develop a tailored barriers/solutions matrix:** Start developing a barriers/solutions matrix to update during the project. Share the list with the thematic Working Groups and identify potential training needs, resources, targeted support or expertise needed to understand barriers or propose strategies/solutions.

4. *Addressing gaps through investigative strategies*

- ✓ **Identify investigative strategies** capable of advancing the IIIM’s analytical work to address gaps in the evidence collection relating to gender and children and youth, considering children’s different age groups and intersectional factors. Provide the team’s assessment and recommendations.

5. *Disaggregating data*

- ✓ Integrate a gender perspective and a child and youth-sensitive perspective into review protocols developed for the analytical project. Include relevant fields that allow for **sex and age disaggregation of victims, as well as religious group, political affiliation, ethnicity** etc. of both victims and perpetrators, as well as other contextual information regarding the crimes.

6. *Contextual narrative*

- ✓ The contextual narrative reflects the **outcome of the team’s assessment** of the above checklist items as **tailored to its specific project**. As such, it can be reflected in various formats and should be integrated into the overall project analysis/brief or other work product planned by the team.

TEMPLATE CHECKLIST

for integrating thematic priorities into analytical projects (victim/survivor-centred, gender, child and youth-sensitive approaches and broader justice objectives)

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1. GENERAL MATTERS

1.1 Use of the template

This template checklist is intended as a starting point for developing tailored analytical plans for implementing a victim/survivor-centred approach (VSCA) and incorporating gender and child and youth-sensitive analyses for each evidentiary module, case-file or other analytical product the IIIM commences (collectively “analytical project”).³ Such tailored thematic analytical plans should be developed as part of the initial mapping work for any new analytical project. While this template was created to guide the IIIM’s analytical work, integrating a VSCA and gender and child and youth-sensitive analyses requires a holistic approach to be implemented across the office, through the IIIM’s institutional

³ See IIIM Gender Strategy and Implementation Plan, Technical Version (30 September 2022), available at <https://iiim.un.org/wp-content/uploads/2023/02/Gender-Strategy-Implementation-TechnicalEnglish.pdf> (“IIIM Gender Strategy”), Section 2.3.2.

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environment, collecting and organizing information (including through witness engagement and investigations), broader justice objectives (missing persons) and external engagement.⁴ The checklist will therefore be relevant to the work of non-analytical staff (i.e. investigators, witness support officer, witness protection officer, etc.). Good practices developed through the use of the present checklist can also support tailored guidance in these other areas of the IIIM's work. Examples of application in specific projects are annotated in footnotes, to be updated to reflect current practice.⁵

As a starting point, the relevance of all aspects of the template should be assumed, but teams have the flexibility to omit parts that are not relevant to their project. Teams are encouraged to add new content identified as relevant to a particular analytical project and to alert the relevant Working Groups if they identify issues that could be usefully added to the template. The more a tailored plan reflects thematic issues already known to the team based on preliminary research/analysis, the more useful it will be. Tailored plans prepared for each analytical project are living documents to be updated in light of the evolving understanding of thematic issues in the context of work on the analytical project.

1.2 Thematic priorities consultation process

Once teams have given preliminary consideration to the development of a thematic analytical plan for a new analytical project in accordance with this checklist, they should schedule a meeting with the Deputy Head, the Special Assistant to the Deputy Head, and the thematic experts. The purpose of the meeting is to discuss initial thinking on relevant thematic issues and to identify any concrete support needed from the thematic experts and/or thematic Working Groups to assist the team, including training needs. While such training and support requests should be identified at the outset of a project to the fullest extent possible, others may only become apparent or sufficiently concrete once work has progressed at various stages of the project.

The overall objective should be to integrate available thematic expertise into the development of the analytical project from an early stage, since it becomes more difficult to integrate thematic perspectives effectively later in the process. Thereafter, the thematic experts are available to provide peer-to-peer support to build additional capacity for effective thematic analysis, including in relation to specific steps to be taken in accordance with this checklist.⁶

⁴ See [IIIM Gender Strategy](#), Section 2.3.3. The IIIM's internal Children and Youth Strategy and VSCA written guidance provide further guidance to IIIM staff on the integration of a child and youth-sensitive analysis and implementation of the VSCA. The IIIM's Strategic Plan recognizes the integration of the VSCA and related thematic strategies throughout the work of the IIIM as a key element to ensure inclusive justice. See IIIM Strategic Plan 2023-2025, available at: <https://iiim.un.org/wp-content/uploads/2023/02/IIIM-Strategic-Plan-2023-2025.pdf>, pp. 13-15.

⁵ [Note for the public version: many examples could not be included due to confidentiality considerations.]

⁶ For example, starting at the project inception and review stages, analytical teams have consulted with the IIIM Thematic Experts on Gender and on Children's Rights to provide guidance on applying such concepts as gender-based violence, sexual violence, violations affecting children and relevant intersectional factors, in collaboration with other team members across projects and sections. See [IIIM Gender Strategy](#), Sections 2.3.5, 2.3.6, 2.4.2.

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1.3 Intersectional analysis

The objective of this checklist is to develop a thematic analytical plan that identifies and addresses thematic priorities (victim/survivor-centered, gender and children and youth approaches and broader justice objectives), and the intersections between thematic issues where they exist. For example, specific issues relating to the harms experienced by girls in Syria arise from the structural disadvantage they suffer due to both gender and status as a child, as well as other intersectional factors that drive the violations or compound the harms inflicted. For an illustrative list of intersectional factors/identity markers to consider, consult Annex A. While many aspects of the checklist are integrated, a few gender-specific and child/youth-specific aspects are outlined separately. Whether applying a gender- or child and youth-focused lens, the relevance of other intersectional factors should be considered as a matter of course.

1.4 Victim/survivor perspectives

The IIIM is committed to adopting a meaningful rights-based victim/survivor-centred approach throughout its accountability-related work. This includes taking into consideration the views, perspectives and priorities of victims/survivors concerning events forming part of its analytical work to the extent possible. To this end, teams should, as part of their initial planning for the analytical project:

- Review the IIIM's mapping of victim/survivor perspectives,⁷ to determine whether the IIIM has, in the course of its consultations to date, received any information from victims/survivors that may be relevant to the work to be undertaken. For example, they should consider any preferences expressed by victims/survivors regarding the characterization of the crimes and harms suffered, concerns regarding witness safety or security and perceived gaps in evidence-gathering or case-building;
- Consult the thematic Working Groups to check whether there is any additional or more specific information regarding victim/survivor perspectives relevant to the analytical project available, and to determine whether any proactive consultations on specific topics would be appropriate and feasible to inform the project's development;
- Consider the IIIM's commitment to support the search for missing persons and ensure that any intersections between the work to be done on the analytical project and the search for missing persons are leveraged to the extent possible.⁸ For example, will witnesses to be interviewed have relevant information concerning missing persons that could be efficiently collected? Advancing the search for missing persons has been repeatedly identified as a top priority by victim/survivor associations with whom the IIIM engages.

1.5 Overall objectives of gender and child/youth-sensitive analyses

- **Surfacing gender, children and youth and other intersectional factors** that have historically been neglected, for example by:

⁷ See [IIIM Gender Strategy](#), Section 3.6.3.

⁸ See [IIIM Gender Strategy](#), Section 3.5.



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- Ensuring that the analytical project accurately reflects the role that gender, status and identity as a child or youth⁹ and other identity markers played in the harms inflicted, including in the *mens rea* of the perpetrators, and incorporating an intersectional approach by identifying and analyzing unique harms experienced due to multiple identity markers;
 - Ensuring that the experiences of women, children and youth are not overlooked and that their voices are not silenced, e.g. by ensuring female victims/survivors, as well as children and youth are consulted, their distinctive experiences reflected and that crimes particularly affecting them are included;
 - Ensuring that other harms at risk of being obscured due to child status, gender or other identity markers, such as disability, are surfaced, including sexual violence against men/boys and harms against persons of diverse sexual orientations and gender identities.
- **Indicating how structural discrimination puts individuals or groups at risk for particular harms, such as:**
 - Structural gender factors and social norms put women and girls at heightened risk of GBV, including sexual violence, enslavement and persecution based on their attributed gender roles and structural gender-based discrimination. In the Syrian conflict context, Yezidi women and girls have been raped and enslaved; Syrian women have been physically attacked at checkpoints and abducted and detained to punish or coerce male family members, and face further gender-based harms within their own communities following release from detention.
 - Structural gender factors also drive harms against persons of diverse sexual orientations or gender identities due to the perceived transgression of imposed gender norms, for example, by aggravating the nature of violence experienced in detention, rendering them particularly vulnerable to attack including murder, and instilling fear and psychological harm causing them to flee Syria.
 - Structural discrimination associated with the status and characteristics of being a child including rendering a particular age group of children or youth vulnerable to particular harms. For example, children are considered as lesser individuals lacking credibility and perceived as not having agency. This structural exclusion leads to restricted participation in decision-making and particularly affects adolescents who have developed their agency and identity. In the context of armed conflict in Syria, for example, this structural exclusion has resulted in increased child marriage. Another type of structural discrimination is associated with the denial of the status of being a child by stripping them of their legal and social protections as children, which may lead to discrimination against certain age groups such as adolescents. In the context of the armed conflict in Syria, a clear example is the recruitment of adolescent boys.
 - Other sources of structural discrimination may also exist, for example, based on religion or ethnicity (such as structural discrimination against stateless children, in particular Kurdish-origin children, who are denied child status and legal and social protections).
 - **Contextualizing harms under applicable legal frameworks, for example by:**
 - Ensuring that the gendered harms identified are properly contextualized so that:
 - The most appropriate legal crime classifications are chosen, considering gender-specific perspectives of victims/survivors;

⁹ “Status and identity as a child or youth” means the legal and social standing and identity of children and youth recognized in international and domestic legal and social frameworks which brings legal and social protections to children and youth.



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- The gravity of the crimes is properly described, but without reinforcing negative gender stereotypes (e.g. that women and girls are inherently weak or vulnerable or that sexual violence victims have been dishonoured);
- The fullest possible range of potential perpetrators is identified, including those holding senior positions and who are more removed from the crimes, and those who are women.
- Ensuring that the harms inflicted on children and youth are properly contextualized so that:
 - The most appropriate legal crime classifications are chosen, considering child- and youth-specific perspectives and the best interests of the child;
 - The gravity of the crimes is properly described by children and youth, without assuming that only adults should speak on behalf of children (which may diminish the gravity as experienced by children victim/survivors);
 - They reflect how discrimination associated with the denial of the status of being a child rendered individuals below 18 years old vulnerable to harm. For example, children have been detained throughout the armed conflict and perceived as a threat and tortured and killed in detention situations as adults, indicating a denial of the legal and social protections of children and leading to situations where children are vulnerable to harms associated with the situations of detention.
- **Identifying and addressing misconceptions** that undermine effectively integrating a VSCA, gender perspective and child/youth-sensitive approach (e.g. that “gender” is the same as “women”; gender-based violence is limited to sexual violence;¹⁰ rape in conflict is opportunistic or must be systematic to be prosecuted).

Overall, keep asking throughout:

- What is happening to children and youth during the events under consideration and why?
- What is happening to the women and girls (or others marginalized due to gender considerations) during the events under consideration and why?
- What is happening to those with intersectional or often obscured identity markers during the events under consideration and why?
- How can we accurately reflect this in the analytical project being developed?

¹⁰ For example, in an ongoing project, any conduct that was tagged as sexual violence was not also tagged as gender-based violence. This allowed for the gender-based violence tag to highlight non-sexualized gender-based violence. See [IIIM Gender Strategy](#), Sections 2.3.6, 2.4.3.

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2. CHECKLIST: THEMATIC PRIORITIES

2.1 Initial contextual framing (based on available materials and open source check)

Following their assessment of open source and other available materials, teams can request specific assistance from the thematic experts with this analysis as needed.¹¹ For example, mapping concerns of victims/survivors and other witnesses, applicable procedural and substantive legal frameworks, and how gender structures operate within specific communities or perpetrator groups may require targeted and tailored consultation, research and/or localized expertise. Just as the template checklist is to be tailored for each analytical project, the assistance needed will depend on the needs of the project and team. *Note:* The Working Group on Gender and VSCA is progressively developing tools to assist in this contextual analysis (see [IIIM Gender Strategy](#), Section 3.2.8).

Gender contextual framing

- What do we know from available materials about the different experiences of women, men, girls and boys, and persons with diverse sexual orientations or gender identities, in relation to the events under consideration for the analytical project?¹² Consult, for example:
 - Collections from NGOs focused on women or gender;
 - Relevant publicly accessible information from national cases, such as witness testimonies/summaries, expert evidence, court submissions etc.;
 - Data from academic, media or other open sources that conveys information about the experiences of women and girls, the gendered experiences of men and boys, or other relevant gender factors.
- Seek to understand as much as we can about how gender structures worked within the victim communities we are focusing on for the analytical project, which could inform aspects of our work, e.g.

¹¹ For example, specific guidance tailored to the project was provided by the Thematic Expert on Gender regarding the contextualization of sexual violence and other gender-based violence to assist in preparing further analysis, considering the potential legal frameworks and victim/survivor perspectives regarding sexual violence.

¹² For example, in the module on ISIL crimes against humanity chapeau elements, the team conducted a review of the treatment of women and children under ISIL which helped frame the intersectional approach. See 2023 Report to General Assembly, [A/77/751](#), para. 22 (“Within the scope of its line of inquiry related to ISIL, the Mechanism completed an evidentiary module to support crimes against humanity charges for conduct related to ISIL in the Syrian Arab Republic. This module, which comprehensively considers intersectional characteristics such as gender and age, has been shared with multiple competent jurisdictions and has been associated with one of the Mechanism’s open case files on which it anticipates providing further assistance to a national jurisdiction.”); 2022 Report to General Assembly, [A/76/690](#), para. 25 (“Within the scope of its ISIL-related line of inquiry, the Mechanism is finalizing an evidentiary module containing extensive factual and legal arguments seeking to establish the existence of a systematic attack against a civilian population to support charges of crimes against humanity for ISIL-related conduct in the Syrian Arab Republic.”); para. 27 (“Intersectional characteristics such as gender and age have been comprehensively integrated into the ISIL-related evidentiary module on the systematic attack against a civilian population ...”).

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- The purpose or objectives driving specific types of violence;¹³
- The reasons why violations take a particular form;
- The specific impact of the violations on the victim/survivor and associated communities; and
- How to implement the VSCA (e.g. how to effectively engage with victims/survivors and other witnesses from the community while minimizing potential for risk and harm).

Children and youth contextual framing

- What can we learn about the experiences of children and youth in different age groups, in relation to the events under consideration for the analytical project? Consult, for example:
 - Data from academic, media or other open sources conveying information about the experience of children and youth;
 - Available information about child-related services, such as education services, that were particularly affected by the events, which may be relevant to specific rights violations and crimes affecting children;
 - Others (such as documents concerning children and youth from armed groups and de facto authorities controlling population and territory such as regulations from education authorities, health authorities, military authorities, judicial authorities, etc.).
- Seek to understand as much as we can about how structural discrimination affecting children and youth operated within the victim communities we are focusing on for the analytical project, which could inform many aspects of our work on the project, e.g.
 - The purpose driving specific types of violence against a particular age-group of children. For example, during the siege of Eastern Ghouta, humanitarian convoys were stopped at Syrian Government Armed Forces check points and prevented from bringing milk powder into opposition-controlled areas, depriving infant children from access to age-appropriate food;
 - The reasons why violations take a particular form;
 - The specific impact of the violations on the child and youth victim/survivor and associated communities; and
 - How to most effectively engage with child and youth victims/survivors and other witnesses from the community, etc., consulting for example:
 - Materials that reflect insights and perspectives from children and youth themselves on relevant issues (child and youth-led assessments,¹⁴ focus group discussions, materials produced by children and youth participating in mental health and psychosocial activities for victims/survivors, etc.).

¹³ See 2023 Report to General Assembly, [A/77/751](#), para. 21 (“As part of its strategic line of inquiry on detention, the Mechanism completed an assessment of information generated through its comprehensive intersectional process of evidence review relating to the experiences of individual detainees. It will utilize this assessment to inform analytical and investigative work moving forward.”); 2022 Report to General Assembly, [A/76/690](#), para. 27 (“[A]s part of its line of inquiry on detention, in addition to examining the composition and functions of organizational structures, the Mechanism is also focusing on the experiences of individual detainees, including in relation to violations that are often overlooked or insufficiently documented, to identify patterns reflected in such mistreatment and the possible objectives underlying the criminal conduct.”).

¹⁴ Assessments led by children and youth without adult interventions. The added value is that these assessments are not biased by adult understandings, in theory.

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Perpetrator groups and structural discrimination

- Seek to understand as much as we can about:
 - How gender structures worked within the perpetrator group(s) we are focusing on for the analytical project;
 - How structural discrimination against children and youth worked within the perpetrator group(s);
 - The relevance of intersectional factors to the operation of the perpetrator group(s) (see Annex A).
 - For example, in the context of Syrian detention, meting out especially harsh punishments to children and youth deemed by the perpetrators to be sufficiently old to “handle it”, or to female protesters deemed to be transgressing gender norms by demonstrating in public rather than staying at home. In the context of unlawful attacks, targeting professions and spaces of particular importance to the community and disproportionately impacting children, for example, targeting schools, teachers and humanitarian workers.

Check for blind spots

- Consider consulting with key interlocutors to assist in this process. Be alert to the possibility that dominant narratives about the events in Syria, especially those in the media, may not always be accurate and may obscure certain experiences or issues:
 - **Gender blind spots:** are there any indications from the open source materials or elsewhere that some issues regarding (1) women and girls; (2) men and boys; and/or (3) persons of diverse sexual orientations or gender identities may be hidden from mainstream documentation work?
 - **Blind spots regarding children and youth,** paying particular attention to the situation of girls due to intersecting discrimination based on gender and being a child: are there any indications from the open source materials or elsewhere that some issues regarding girls and boys may be hidden from mainstream documentation work?
 - **Blind spots regarding intersectional identity markers:** are there any indications from the open source materials or elsewhere that issues particularly affecting other identity markers, such as disability (see Annex A), may be hidden from mainstream documentation work?

Relevant legal frameworks

- In defining the objectives and outcomes of the analytical project, consider the most likely legal avenues for its use and applicable frameworks, and how they incorporate gender-based crimes, crimes against and affecting children and a VSCA (e.g. through procedural protections and evidentiary requirements).

Thematic issue matrix

- Begin a tailored issue matrix for the analytical project reflecting findings on the above contextual analysis to use as an initial guide – to be updated throughout the development of the project, in particular the Contextual Narrative. Focus particularly on:
 - Legal framework issues that link to biases (gender, children and youth and intersectional factors) that could negatively affect the development of the analytical project (e.g. failing to reasonably interpret general crime categories to include gender-based violence or interpreting modes of liability in a way that

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imposes higher thresholds for gender-based violence;¹⁵ lack of application of legal frameworks or protections to crimes against or affecting children, or the exclusion of children of certain ages from legal frameworks);

- Any blind spots uncovered; and
- Initial thinking/strategies on how to address these issues or targeted requests for support to ensure effective integration of a gender perspective and child/youth sensitive approach.

2.2 Assessing current evidence/materials

Gender considerations

- As part of the overall assessment of existing evidence relevant to the analytical project, identify materials referring to the experiences of women and girls or gendered experiences of men and boys, and considerations such as gendered motivations behind the commission of crimes. Key factors to consider include:
 - Where statements comprise part of the materials, number of statements by women and girls (particularly as a proportion of the overall number of relevant statements), and persons of diverse sexual orientations and gender identities;
 - Extent to which the evidence captures the experiences of women or girls and gendered experiences of men and boys;
 - Availability of material concerning women and girls at heightened risk of being marginalized due to intersectional factors, such as those who are refugees/displaced/stateless or have disabilities (see Annex A), and/or organisations that focus on these categories of victims/survivors;
 - Other experiences at risk of being marginalized due to gender considerations, including sexual orientation or gender identity;
 - Existence of collections from NGOs focused on gender or with relevant databases that include disaggregated data.¹⁶

Experiences of children and youth

- Assess existing evidence relevant to the analytical project for materials referring to the experiences of children and youth. Key factors to consider include:
 - Where statements comprise part of the materials,
 - Number of statements by victims/survivors who are—or who were at the time of the crimes— children and youth (particularly as a proportion of the overall number of relevant statements). If possible, undertake assessments per category for youth/young people (18-29), adolescents (11-17), childhood (5-10) and early childhood (0-4);
 - Number of statements from adults (particularly young people) who were children at the time crimes against them were committed;

¹⁵ Informed by the steps set out in this checklist, the project-specific thematic issue matrix will allow the thematic experts and Working Groups to consider evolving challenges and insights from the IIIM's work and provide support in devising strategies and solutions with the project teams as needed. See [IIIM Gender Strategy](#), Section 3.4.2.

¹⁶ Team members and investigators will need to assess the reliability and potential for integrating this information.

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- Extent to which materials refer to the experiences of children and youth. If possible, undertake assessments per category for youth/young people (18-29), adolescents (11-17), childhood (5-10) and early childhood (0-4);
- Consult mapping of organisations and materials referencing categories of children at heightened risk of being marginalized, such as children living with disabilities, separated, non-accompanied or orphaned children, displaced or stateless children, children associated with armed forces or armed groups, etc. (see also Annex A).
- Existence of collections from NGOs focused on children, youth or with relevant databases that include disaggregated data.

2.3 Identification of operational barriers and solutions

Assess operational barriers/obstacles

- Seek to understand the operational factors that present the main obstacles to an inclusive understanding of the events in question. Information regarding some of these barriers has been provided by victims/survivors and CSOs working on documentation efforts, which can be consulted as guidance (see Annex B [substance redacted from public version]).
 - **Applying a VSCA:** e.g. lack of adequate medical and psychosocial support services to ensure safe engagement for victims/survivors; lack of access of victims/witnesses with disabilities to accountability actors; victim/witness lack of knowledge of, or confidence in, accountability processes; political and media narratives with a specific agenda, etc.;
 - **Integrating a gender analysis:** e.g. gender bias on the part of documenters; lack of access of victims/witnesses to accountability actors; gender-specific victim/witness security concerns; stigma;
 - **Integrating an effective child and youth-sensitive analysis:** e.g. lack of child-sensitivity/expertise on the part of documenters; documenters'/investigators' lack of experience or willingness to interview children; inability of child victims/witnesses to access accountability actors; lack of willingness of parents to allow children to engage in accountability processes; child-specific victim/witness security concerns.

Consult internal tools

- For example, victim/survivor perspectives mapping and operational barriers and strategies starter list (Annex B), and where appropriate, key interlocutors including other entities working on documentation and accountability, to identify gender issues and child/youth issues missing from mainstream documentation work.

Identify strategies/solutions

- Identify proactive strategies that would assist in overcoming the obstacles, e.g.
 - Expanding engagement with victim/survivor associations to reach victims/survivors that have lacked access (including women/girls in certain areas, persons of diverse sexual orientations and gender identities, children and youth, persons with disabilities);
 - Seeking to expand our mapping of referral pathways for specifically identified needs that hinder access;
 - Devising tailored investigation strategies to overcome gendered gaps in evidence through training, engagement with trusted NGOs;

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- Assessing whether expert or overview witness evidence could be used as a vehicle to surface missing voices where obtaining evidence from witnesses directly may be impossible (due to security, gender, age or other considerations);
- Prioritising solutions to address the structural gap of evidence coming from children or adults who were children at the time of the crimes, such as prioritising specific collections of evidence focusing on children and issues relating to children, prioritising identification and interviewing of adult witnesses who were children at the time of the crimes;
- Strengthening the IIM’s cooperation frameworks with entities documenting crimes against children and targeting evidence collection from entities actively engaged in child protection and/or child rights experts.

Develop a tailored barriers/solutions matrix

- Based on the above assessment, start developing a tailored barriers/solutions matrix and provide a copy to the thematic Working Groups. A sample possible framework and starter issues based on victim/survivor and CSO input is provided in Annex B [substance redacted from public version].
- Identify potential training needs, resources, targeted support or expertise needed to understand barriers and/or propose strategies or solutions. Keep under review throughout development of the analytical project.

2.4 Addressing gaps through investigative strategies

- Identify investigative strategies for addressing gaps in the evidence collection relating to gender, and evidence relating to children and youth, that are capable of advancing the analytical project¹⁷ being mindful of differences between age groups of children and intersectional factors/identity markers. Prepare the team’s assessment and recommendations, addressing:
 - What is the nature of the gaps related to gender (e.g. are the voices of women, girls, or persons of diverse sexual orientations underrepresented or missing altogether)?
 - What is the nature of the gaps relating to children and youth (are their experiences missing altogether or direct evidence only, are certain age groups less visible)?
 - What is the nature of the gaps relating to those with intersectional or often obscured identity markers (are there certain groups, such as persons with disabilities, that are less visible)?
 - How can these gaps be integrated into the overall investigation plans for the analytical project?
 - Provide the team’s assessment and recommendations for priority activities, and the limitations imposed by existing resources and operational requirements.

¹⁷ For instance, for the ISIL module on the chapeau elements of crime against humanity, the team targeted collections that included ISIL policy and propaganda material relating to gender which were integrated and used in products shared with national jurisdictions. In its judgment delivered on 9 January 2023, the District Court of Solna in Sweden relied upon the Mechanism’s analytical work relating to the situation of girls in areas controlled by ISIL. The District Court convicted two Swedish nationals who had joined ISIL for their respective roles in taking children to a war zone and the girls’ forced marriage and rape in the Syrian Arab Republic in 2013 and 2014. See 2023 Report to General Assembly, [A/77/751](#), para. 22.

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- What solutions for overcoming evidence-gathering barriers relate to the identified gaps and limitations? Enlist support from the thematic experts and Working Groups as needed where existing strategies or resources are not sufficient to achieve the priority activities.

2.5 Disaggregating data

- Integrate a gender perspective and a child and youth-sensitive perspective into review protocols being developed for the analytical project. Include fields that allow for sex/gender and age disaggregation of victims, as well as religious group, political affiliation, ethnicity, disability etc. of both victims and perpetrators, as well as other contextual information regarding the crimes.¹⁸
- At the review stage, ensure to the fullest extent possible that sex and age-disaggregated and other relevant information is gathered and recorded to canvass:
 - Sex of the victim;
 - Sexual orientation and/or gender identity of the victim;
 - Age of the victim and age-group (Child/Youth/Adult)—to the extent possible, further disaggregated as follows: youth/young people (18-29), adolescents (11-17), childhood (5-10) and early childhood (0-4);
 - Sex of the perpetrator;
 - Age group of the perpetrator (Child/Youth/Adult)—specifically with a view to identifying any child perpetrators;
 - Whether the victim has a disability;
 - Intersectional factors/identity markers of the victims/survivors as relevant to the analytical project (see Annex A and Identity Data Fields).
- When engaging with ISMS on issues concerning database design related to analytical projects, review processes or evidence registration, teams should seek to maximize the utility of the IIIM’s Central Repository to integrate thematic perspectives and analysis. Wherever possible, teams should organize/tag thematic strategy-related information in a way that will allow its use or aggregation beyond the specific needs or objectives of the analytical project and should consult internal guidance.

¹⁸ For example, in the module on ISIL crimes against humanity chapeau elements, the ISIL team identified records pertaining to different social categories including Yazidis, Sunni Muslims, Shia Muslims and ‘Shia sects’, Christians and Jews as well as of individuals based on their gender and gender identity as well as their age. See Catherine Marchi-Uhel’s remarks, [Justice and Accountability Panel, Free Yazidi Foundation](#), 2 August 2022. Another project assesses the implications of ISIL’s ideology and policies toward children which resulted in channeling young boys into military training and enlistment as child soldiers while girls were groomed for and forced into early marriage. This module looks at the treatment of children based not only on their age but also based on their gender and religious background, an intersectional approach. See Catherine Marchi-Uhel’s remarks, [Strengthening Accountability for Violations and Crimes Affecting Children in Conflict, Save the Children](#), 16 September 2022. See also 2023 Report to General Assembly, [A/77/751](#), para. 22 (“The Mechanism has now focused its strategic line of inquiry on a project that further advances the integration of its thematic strategy on crimes against children and youth in the context of conduct related to ISIL.”); 2022 Report to General Assembly, [A/76/690](#), paras. 25 and 27.

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2.6 Contextual narrative

The contextual narrative reflects the outcome of the project team’s assessment of the above checklist items as tailored to its specific project. It should be integrated into the overall project analysis/brief or other work product. While there are overlapping aspects between the gender analysis and child/youth-sensitive analysis to be applied, most aspects/prompts are specific to gender or children and youth. For this reason, it is proposed to develop separate narratives for gender and children and youth. Separate analyses may also be useful to ensure that one analysis is not subsumed by the other, promote clarity and devise tailored strategies and priority activities, which will likely differ for gender and child/youth considerations. However, as with other aspects of the checklist, the narrative will be tailored to the specific objectives of the analytical project, and could result in a combined narrative where appropriate for the specific project.

Where initial contextual framing and review of existing evidence/materials reveals a structural gap pertaining to gender and/or child and youth experiences, the contextual narrative may be premature pending a determination on priority activities and resources. In such cases, specific guidance regarding next steps may be requested from the relevant thematic experts/Working Groups.

Gender considerations

- Develop a contextual narrative, with a view to integrating it into the analysis and/or brief, describing the role that gender structures played in the events in question. Discussion should be particularly focused on gender issues relevant to understanding the chapeau requirements, elements of crimes, modes of liability, or gravity of the crimes under consideration in the particular analytical project;
- Identify any additional gender issues that would benefit from an expert report/witness and follow-up accordingly;¹⁹
- Consider whether any crime categories expressly referencing gender should be incorporated, considering the legal frameworks of relevant jurisdiction(s) expected to use the analytical project products where possible, e.g.:
 - Gender-based persecution;²⁰
 - Torture for the prohibited purpose of discrimination based on sex/gender;²¹
 - Persecution based on violations of fundamental rights that have a specific gender dimension (to be considered cumulatively);

¹⁹ See Catherine Marchi-Uhel’s remarks, [Justice and Accountability Panel, Free Yezidi Foundation](#), 2 August 2022 (referencing various sources of evidence, including expert evidence).

²⁰ See Catherine Marchi-Uhel’s remarks, [Justice and Accountability Panel, Free Yezidi Foundation](#), 2 August 2022 (referencing the evidentiary module which assesses the contextual elements of crimes against humanity and how the conduct of ISIL members could be charged as persecution by way of severe deprivation of fundamental rights on discriminatory grounds. The project addresses relevant persecutory grounds (religious, political, gender, age, and combinations of these) on which the fundamental rights violations are being committed—such as the right to life, liberty and security of the person; freedom from slavery and the slave trade; freedom from cruel, inhuman and degrading treatment; the right of children not to be recruited/used in hostilities; and freedom of religion.

²¹ See 2022 Report to General Assembly, [A/76/690](#), para. 27 (“[A]s part of its line of inquiry on detention, in addition to examining the composition and functions of organizational structures, the Mechanism is also focusing on the experiences of individual detainees, including in relation to violations that are often overlooked or insufficiently documented, to identify patterns reflected in such mistreatment and the possible objectives underlying the criminal conduct.”).

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- If crime categories expressly referring to gender are being used, consider how other factors such as age, ethnicity, religion etc. intersect with gender to ensure the experiences of specific victims are holistically reflected;²²
- Consider how crime categories that do not expressly reference gender (such as deportation/forcible displacement, inhumane acts or genocide) should nevertheless be approached to integrate a gender perspective, e.g.: by highlighting the distinctive:
 - types of underlying acts committed against women, men, girls and boys, and persons of diverse sexual orientation and gender identity;
 - impact of crimes on women, men, girls and boys;
 - gendered factors driving the crimes (e.g. for deportation/forcible transfer, the gendered forms of coercion that led to displacement) or forming part of the *mens rea*;
 - intersection of gender with other factors, such as age, ethnicity, religion, disability etc.
- In deciding on how best to classify a particular harm, take into consideration any information available from victims/survivors about their preferences (as outlined above);
- Ensure that a gender perspective is integrated into the crime-base narrative, specifically focusing on any distinctive impacts of the crimes on women and girls (or other categories of victims whose experiences tend to be marginalized based on gendered factors);
- Consider what gender issues might apply to proving contextual elements for core international crimes under consideration. E.g. gender bias in what constitutes a nexus between a crime and an armed conflict; gender bias in what acts form part of a widespread or systematic attack, including the tendency to erroneously require that each category of gender-based crime (e.g. rape) must occur in large numbers to be part of the attack;²³
- Consider what gendered factors may be relevant to *mens rea* elements and how best to factor them into the analysis. Check against tendency to assume that gendered harms are inherently personally motivated and disconnected from other criminal objectives, the tendency for requiring higher thresholds for proving *mens rea* for gender-based crimes / the tendency to require more evidence to link gender-based crimes to a broader criminal campaign than for other crime categories;
- Ensure that a gender perspective is integrated into consideration of modes of liability, taking into account applicable modes from the jurisdiction(s) expected to use the analytical project products where possible. Check against the tendency to see gender-based crimes as outside of a common criminal purpose/plan or not foreseeable for the purposes of modes of liability that encompass indirect intent based on a specific risk threshold;
- Identify any possible legal arguments that might provide a good platform for setting positive progressive precedents on gender and raise for discussion with Deputy Head and Head.

Child and youth-sensitive approach

- Develop a contextual narrative, with a view to integrating it into the analysis and/or brief, describing any role that structural discrimination against children and youth played in the events in question. Discussion should be focused on child and youth-related issues relevant to understanding the chapeau requirements, elements of crimes, modes of liability, or gravity of the crimes under consideration in the particular analytical project;

²² For example, in the module on ISIL crimes against humanity chapeau elements, the intersections between gender and ethnicity/religion and age were analyzed. See 2023 Report to General Assembly, [A/77/751](#), para. 22; 2022 Report to General Assembly, [A/76/690](#), paras. 25 and 27; Catherine Marchi-Uhel's remarks, [Justice and Accountability Panel, Free Yezidi Foundation](#), 2 August 2022.

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- Identify any additional issues concerning crimes against and affecting children and youth that would benefit from an expert report/witness (e.g. mental health, education, childhood experts) and follow-up accordingly;
- Consider whether crime categories expressly referencing children should be incorporated, e.g.:
 - Persecution on the basis of age (subject to further research about the customary international law basis for this), or with age as an aggravating factor;
 - Torture for the prohibited purpose of discrimination based on age (severe physical or mental pain or suffering inflicted “for any reason based on discrimination of any kind”);
 - Persecution based on violations of fundamental rights that have a specific child rights dimension (to be considered cumulatively);
 - Conscriptio and use of children;
 - Transfer of children from one group to another (as an underlying act of genocide);
- If crime categories expressly relevant to children are being used, consider how these identity markers may intersect with other factors, such as gender, ethnicity, religion etc., to ensure the experiences of specific victims are holistically reflected;
- Consider how crime categories that do not expressly reference children (such as deportation/forcible displacement, persecution, and genocide) should nevertheless be approached to integrate a child and youth-sensitive perspective, e.g.: by highlighting the distinctive:
 - Types of underlying acts committed against or affecting children and youth;
 - Impact of crimes on children and youth;
 - Child and youth-specific factors driving the crimes (e.g. for deportation/forcible transfer, the child and youth specific forms of coercion that led to displacement, including the destruction of protective environments of children or youth civic spaces that led to displacement, destruction of child-specific services to terrorise the civilian population);
 - Intersection of age with other factors, such as gender, ethnicity, religion etc. (e.g. measures intended to prevent births which can have a particularly significant impact on girls);
- In determining how best to classify a particular crime affecting children and youth, families or communities, take into consideration information available from child and youth victims/survivors about their preferences (see above), and consider the relevance of the guiding principle concerning the best interests of the child to the legal arguments being developed;
- Ensure that a child and youth-sensitive perspective is integrated into the crime-base narrative, specifically focusing on any distinctive impacts of the crimes on girls and boys. Consider how child and youth-related age sub-groups analysis may be relevant;
- Consider what child-related issues might apply to proving contextual elements for core international crimes under consideration. E.g. age-related bias in what constitutes a nexus between a crime and an armed conflict, or tendency to disregard child-specific mistreatment of the civilian population, including violations of child-specific rights, due to the attribution of lower status to children as civilians;
- Consider what child and youth age-related factors may be relevant to *mens rea* elements and how best to factor them into the analysis. Consider whether, and how, the presence of children was known to the perpetrators and whether/how crimes targeting children or crimes resulting in the violation of specific protections and rights afforded to children formed part of, or was a foreseeable consequence of, other criminal objectives;



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- Ensure that a child and youth-sensitive perspective is integrated into consideration of modes of liability. Check against the tendency to see child-specific crimes as: outside of a common criminal purpose/plan; not foreseeable for the purposes of modes of liability that encompass indirect intent based on a specific risk threshold;
- Identify any possible legal arguments that might provide a good platform for setting positive progressive precedents on crimes against and affecting children and youth and raise for discussion with Deputy Head and Head.

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ANNEX A: List of intersectional factors/identity markers to consider

As noted in the [IIIM Gender Strategy](#), 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. These intersectional factors encompass various identity markers that can help surface discrimination relevant to (*inter alia*) the legal categorization of crimes, perpetrators' intent, gravity assessments, and factors relevant to witness security and psychosocial needs.

As applied to its mandate, the IIIM recognizes the role of these intersecting factors in determining an individual's experience of armed conflict, atrocity crimes and the harms inflicted. For example, in the context of the Syrian conflict, children associated with armed forces or armed groups (including enlisted/conscripted children and the children of ISIL members and foreign fighters), suffer specific compounded harms that underlie various international crimes, based on the intersecting discrimination they experience due to their age (including differential treatment for children in different age groups), gender and affiliation with armed groups. Non-accompanied and orphaned children who are IDPs, refugees or stateless persons suffer specific, compounded harms that also exacerbate obstacles to accessing justice, particularly if they are girls. While some of these "identity markers" have resulted from individuals' life experience, in the Syrian context, such experiences can be treated as part of individuals' identities, putting them in vulnerable situations and making them targets. For these reasons, they are included below.

This list is not exhaustive and should be updated as needed whenever additional relevant markers are identified:

- Gender
- Gender identity, sexual orientation, sex characteristics
- Age-related identities (child, adolescent, youth, elderly)
- Nationality
- Place of Origin
- Ethnicity/ethnic minority
- Race
- Displaced persons, refugees
- Stateless persons
- Religion
- Disability (pre-existing, war related)
- Political affiliation (perceived and actual)
- Community status (e.g. prominent member of a community)
- Role (civilian, military, activist / demonstrator, humanitarian or medical role, media or journalist, student, teacher, legal, etc.)
- Socio-economic situation
- Marital status (single, married, divorced, widowed)
- Persons associated with armed forces or armed groups – including family members of foreign fighters (perceived as terrorists)
- Detained persons/former detainees
- Orphaned children
- Children born of rape

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ANNEX B: Operational barriers and strategies matrix – starter list of possible issues

Through the development of its VSCA, the IIIM is mapping potential barriers to accountability and developing tools and strategies to address their negative impact in the specific context of the IIIM’s work. Examples of barriers to accessing justice actors identified by victims/survivors, victim/survivor associations and civil society organisations that have engaged with the IIIM to date.²⁴ Devising and implementing possible strategies and solutions will likely be necessary at the institutional level; teams should therefore engage with the respective Working Groups in addition to proposing possible strategies and solutions within their own teams.

[Substance redacted:]

Thematic priority	Operational barriers	Possible strategies/solutions

²⁴ See [IIIM Gender Strategy](#), Sections 2.4.1, 2.4.7.