

# Guidelines Towards Ethical Testimonies of Sexual Violence during Conflict

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**Context:** This guideline is based on the findings of Professor Nayanika Mookherjee's book *The Spectral Wound: Sexual Violence, Public Memories and the Bangladesh War of 1971* (2015; 2016). Bangladesh is the only country which honoured women raped during the war of 1971 as birangonas (brave women). There exists a public memory (not silence) of wartime sexual violence in Bangladesh and this is hardly known beyond the country. *Spectral Wound* **ethnographically examines this public memory among survivors, state officials, human rights activists as well as archival sources, visual and literary representations. Most of the research on sexual violence in conflict focuses on highlighting the testimonies of violence only.** Interviews with survivors show that with the focus on documentation of the experiences of wartime rape, (i) inadequate attention is paid to the conditions under which such testimonies are recorded. (ii) As a result, ethical practices of documentation can be flouted by those who record testimonies of wartime rape (researchers, human rights activists, feminists, lawyers, filmmakers, photographers, journalists, writers) in their pursuit of these narratives. (iii) Hence, survivors can experience a double set of transgression in the very process of testifying to their violent experiences during wars. (iv) There can **emerge a critical disconnect between survivors needs and transitional justice processes.**

Keeping these sensitive and ethical concerns in mind, Professor Mookherjee has co-produced with Research Initiatives Bangladesh (in consultation with the Ministry of Liberation War Affairs of the Government of Bangladesh and various stakeholders in UK and Bangladesh) **an ethical guidelines and a graphic novel – both should be ideally read with the *Spectral Wound*.** This can be used by school children (from 12 years age) as well as professionals working among survivors.

In August 2018, a group of survivors of wartime sexual violence and the Ministry of Liberation War Affairs of the Bangladesh government launched these guidelines in Bangladesh. In Bangladesh, survivors of wartime sexual violence are referred to as liberation fighters and have been **receiving government pensions.** These guidelines are thereby essential for the state to record testimonies and include survivors on the government pension register. These guidelines would also enable **war babies** to seek recognition - and could be used in other contemporary instances of sexual violence in conflict like that of the **Rohingyas.** Further, these guidelines might be relevant for those attempting to collect **testimonies of sexual violence in an everyday context.** In November 2018, the Foreign and Commonwealth Office's PSVI (Prevent Sexual Violence Initiative) team has proposed the Murad Code - the development of international standards for those working in this field. These guidelines would feed into that consultation process.

#### **A few points are worth noting:**

- These guidelines have been created by survivors and these prescriptions are based on their experiences of violations.
- These guidelines should complement local ethical reviews and supersede institutional ethics.
- These guidelines should also help us remember to check if there is a co-ordination body. Importantly, it is crucial to reflect whether there is further need for recording of testimonies and if there are adequate secondary sources to provide that insight.
- Testimonies for juridical purposes might be more limited in its remit and this guideline focuses on ethical testimonies.
- While a longer time is advisable for those recording testimonies, those with less time should be able to provide a nuanced survivor perspective about the: reasons for sexual violence, the varied contexts of testimonies, the use of language, euphemisms and gestures by survivors to uphold their narrative.

## The following are the proposed guidelines:

### Before the Testimonial Process:

**1. Have you prepared adequately for these testimonies?** There needs to be intensive preparation before one starts gathering testimonies among survivors of wartime sexual violence. For this what is indispensable is a background training, reflection on the need for/purpose of testimonies, a study of secondary sources and avoidance of research fatigue among survivors.

**2. Whose testimonies are being focussed on?** It is ethically important to focus on those survivors who voluntarily come forward to give testimonies. **It is important to provide informants with a written information sheet explaining the need for testimonies and the uses of any data that it might generate.** The objective of the testimonies, how they would be used, who they would be read/heard by, what are the possible consequences of giving testimonies– these should be discussed with survivors.

**3. Have you thought of how the positions (gender, age, class, experience etc.) of the researcher affects the interview?** The questions one asks should be thought through.

### During the Testimonial Process:

#### **4. Have you done a risk assessment before interviewing survivors?**

- It is absolutely essential to comprehensively assess the economic, physical, psychological safety of survivors across space and time. We need to safeguard the interest of survivors and provide support.
- It is important to discuss the various kinds of possible problems (including socio-economic manifestations of 'stigma') they might face if they are identifying themselves as survivors of sexual violence.
- Instead of relying on gatekeepers, intermediaries, interpreters and translators, survivors should be asked whether they would be willing to speak.

**5. Do you have enough time for these testimonies?** Interviews need to be conducted with adequate time so that survivors can give their testimonies (if they wish to) in accordance with the time and place that suits them. Their context is the priority.

- If possible, it is important to know about the historical/political context of the area before undertaking interviews.
- Alongside the survivors of sexual violence it is important to interview other survivors of the war in the area. This makes the survivors less conspicuous and could mitigate jealousies from others towards them.
- To understand the socio-economic contexts of survivors, it would be important to talk to their family members and wider community, if possible.
- It is important to examine various secondary sources to understand the historical/political/economic contexts in the area across time.
- It is necessary to establish relationships of trust and empathy with survivors.

#### During and After the Testimonial Process:

**6. Have you secured meaningful informed consent at every instance?** During the process of collecting testimonies with survivors, ethical decision-making has to be undertaken repeatedly.

- It is important to ensure that those giving testimonies know and understand their rights and the services available to them which could in turn inform consent.
- Constant informed consent is needed from survivors before recording their narratives, taking their photographs, including them in publications. The published work should be shared with the survivors and it should be agreed how one follows up survivors in the post-testimonial phase. Consent should also be time-bound if so decided by the survivors.
- Avoid entering personal spaces without permission for the purpose of interviews.
- Avoid making any assurances and particularly false promises to survivors of sexual violence.
- Any invitation to ceremonies honouring survivors should prioritise the perspectives of survivors of sexual violence.
- The search for testimonies and interviews should not harm the survivors and put them at risk.

**7. Have you listened to the post-conflict and contemporary conditions of survivors?** Also:

- We need to avoid sensationalizing these testimonies.
- Caution must be taken that the researchers' opinion does not influence the process of collecting testimonies.
- Caution must be taken to avoid making the testimonials disrespectful and horrific for commercial, voyeuristic purposes.
- Testimonies should avoid linear accounts and present the stories the way survivors want to narrate their experience: as narratives, emotional, non-verbal gestures or fragments.

#### After the Testimonial Process:

**8. Have you reflected on how we use images of and languages about survivors during the testimony and when representing their life-stories? And what are the consequences of such image and language use?** Survivor blame should be avoided in all instances.

**9. Have you thought through the complexities of the rights to confidentiality and anonymity?** Survivors should have the right to remain anonymous and to have their rights to privacy and confidentiality respected. The need to identify oneself depends on the survivors and their concerns.

**10. Have you kept in touch with survivors after recording their testimonies?**

If the survivors agree, warm relationships should be maintained in the post-testimonial phase.

**These guidelines need urgent implementation.**

## **Acknowledgements**

The guidelines and graphic novel draw from research findings [Mookherjee, Nayanika *The Spectral Wound: Sexual Violence, Public Memories and the Bangladesh War of 1971* (2015; 2016)]. These guidelines and graphic novel have been co-produced through five workshops (two in LSE's Women, Peace and Security in October 2016, December 2018 and three with Research Initiatives Bangladesh in November 2016, August 2017 and August 2018) in collaboration with various stake holders (like academics, researchers, government officials, policy makers, NGO representatives, feminists and human rights activists, journalists, filmmakers and photographers). All participants emphasized the need for these guidelines and the graphic novel. These guidelines were launched in August 2018 by the Honourable Minister Jonab A. K. M Mozammel Hoque. Since November 2016 the government of Bangladesh's Liberation War Ministry has been involved with these guidelines in a participatory and supportive capacity.

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## SELF ASSESSMENT FORM

(This could be a written and/or verbal summary for participants/survivors and/or gatekeepers as well as serve as a reminder for those recording testimonies)

		YES	NO	Explain with reasons: how you have/have not followed each of these guidelines
1a.	<b>Have you prepared adequately for these testimonies?</b>			
1b.	<b>Have you considered the implications of your testimonial intervention on the survivors?</b> Have you considered the following: reflection on the need for/purpose of testimonies, a study of other secondary sources and avoidance of research fatigue among survivors?			
2a.	<b>Have you thought about whose testimonies are being focused on?</b>			
2b.	<b>Will you provide informants with a written information sheet explaining the need for testimonies and the uses of their testimonies?</b> The objective of the testimonies, how these testimonies would be used, who they would be read/heard by, for what purpose, what are the possible consequences of giving testimonies—these should be discussed with survivors.			
3.	<b>Have you thought of how the positions (gender, age, class, experience etc.) of the researcher affects the interview?</b>			
4.	<b>Have you done a risk assessment before interviewing survivors?</b>			
5.	<b>Do you have enough time for recording these testimonies?</b>			
6a.	<b>Have you secured meaningful informed consent at every instance? Please explain how you will deal with the issue of informed consent, as appropriate to your testimony.</b>			
6b.	<b>Will recording devices be used only with the permission of survivors?</b>			

		YES	NO	Explain with reasons: how you have/have not followed each of these guidelines
6c.	<p><b>Will the survivors be provided with a copy of their testimonies before and after publications?</b></p> <p>Constant informed consent is needed before recording their narratives, taking their photographs, including them in publications. The published work should be shared with the survivors and there needs to be an agreement as to how one follows up survivors in the post-testimonial phase. Consent should also be time-bound if so decided by the survivors.</p>			
7.	<p><b>Have you listened to the post-conflict and contemporary conditions of survivors?</b></p>			
8.	<p><b>Have you reflected on how we use images of and languages about survivors during the testimony and when representing their life-stories?</b></p>			
9.	<p><b>Have you thought through the complexities of the rights to confidentiality and anonymity? Will you explicitly give all survivors the right to remain anonymous?</b></p>			
10.	<p><b>Have you kept in touch with survivors after recording their testimonies?</b></p>			
11.	<p><b>Are there any other ethical issues arising from the testimonial process?</b></p>			

Further details – Please specify details with reference to above Question Numbers.