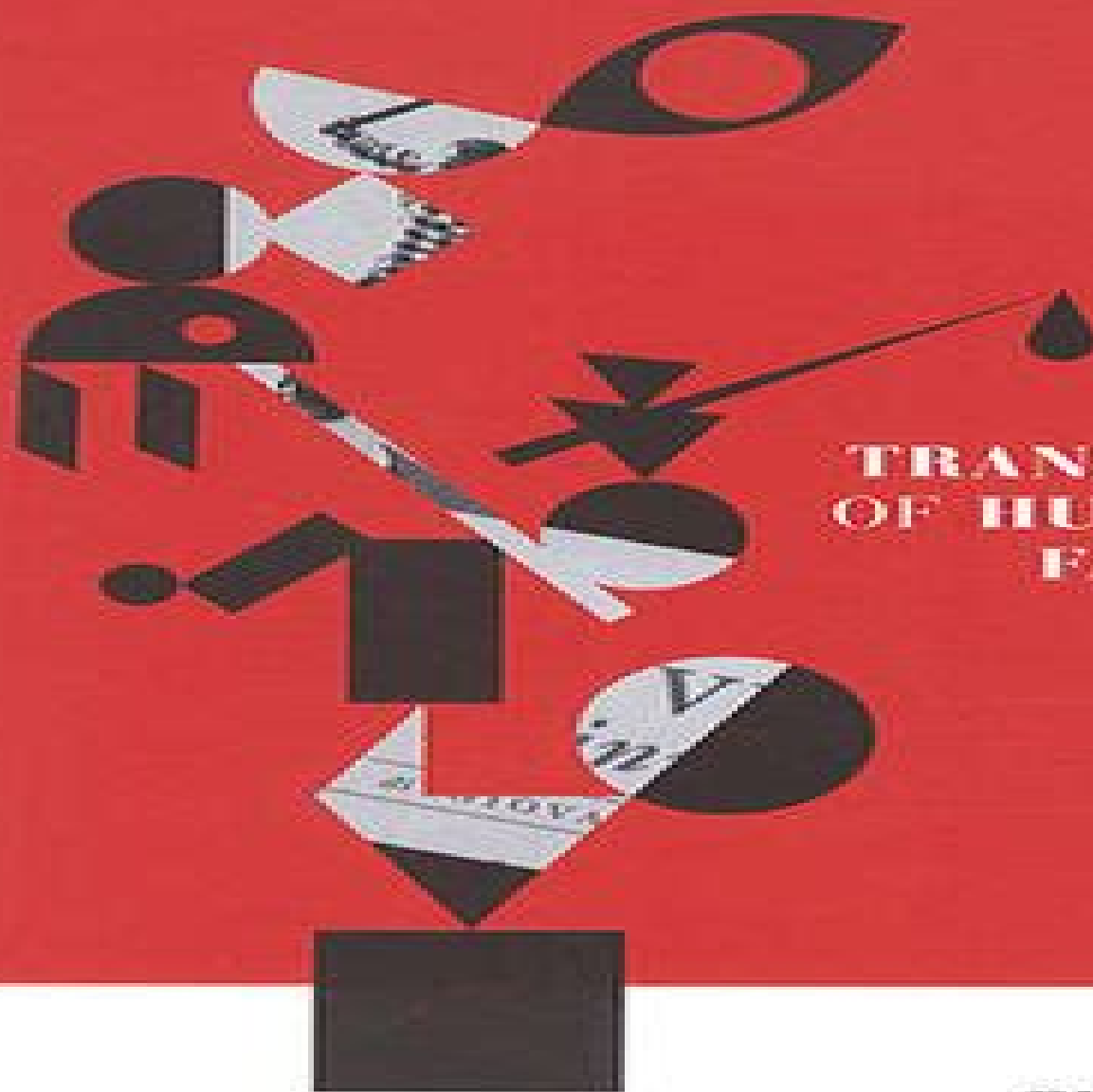




**THE
TRANSFORMATION
OF HUMAN RIGHTS
FACT-FINDING**

**EDITED BY
PHILIP ALSTON &
SARAH KNUCKEY**

OXFORD

Transformation Human Rights Fact Finding

Matthias Vanhullebusch



Transformation Human Rights Fact Finding:

The Transformation of Human Rights Fact-Finding Philip Alston, Sarah Knuckey, 2015-11-23 Fact finding is at the heart of human rights advocacy and is often at the center of international controversies about alleged government abuses. In recent years, human rights fact finding has greatly proliferated and become more sophisticated and complex while also being subjected to stronger scrutiny from governments. Nevertheless, despite the prominence of fact finding, it remains strikingly under studied and under theorized. Too little has been done to bring forth the assumptions, methodologies, and techniques of this rapidly developing field or to open human rights fact finding to critical and constructive scrutiny. *The Transformation of Human Rights Fact Finding* offers a multidisciplinary approach to the study of fact finding with rigorous and critical analysis of the field of practice while providing a range of accounts of what actually happens. It deepens the study and practice of human rights investigations and fosters fact finding as a discretely studied topic while mapping crucial transformations in the field. The contributions to this book are the result of a major international conference organized by New York University Law School's Center for Human Rights and Global Justice. Engaging the expertise and experience of the editors and contributing authors, it offers a broad approach encompassing contemporary issues and analysis across the human rights spectrum in law, international relations, and critical theory. This book addresses the major areas of human rights fact finding such as victim and witness issues, fact finding for advocacy enforcement and litigation, the role of interdisciplinary expertise and methodologies, crowd sourcing, social media, and big data, and international guidelines for fact finding.

The Transformation of Human Rights Fact-finding Philip Alston, Sarah Knuckey, 2016 Fact finding is at the heart of human rights advocacy and is often at the center of international controversies about alleged government abuses. In recent years, human rights fact finding has greatly proliferated and become more sophisticated and complex while also being subjected to stronger scrutiny from governments. Nevertheless, despite the prominence of fact finding, it remains strikingly under studied and under theorized. Too little has been done to bring forth the assumptions, methodologies, and techniques of this rapidly developing field or to open human rights fact finding to critical and constructive scrutiny. *The Transformation of Human Rights Fact Finding* offers a multidisciplinary approach to the study of fact finding with rigorous and critical analysis of the field of practice while providing a range of accounts of what actually happens. It deepens the study and practice of human rights investigations and fosters fact finding as a discretely studied topic while mapping crucial transformations in the field. The contributions to this book are the result of a major international conference organized by New York University Law School's Center for Human Rights and Global Justice. Engaging the expertise and experience of the editors and contributing authors, it offers a broad approach encompassing contemporary issues and analysis across the human rights spectrum in law, international relations, and critical theory. This book addresses the major areas of human rights fact finding such as victim and witness issues, fact finding for advocacy enforcement and litigation, the role of interdisciplinary expertise and methodologies, crowd sourcing,

social media and big data and international guidelines for fact finding **Digital Witness** Sam Dubberley, Alexa Koenig, Daragh Murray, 2020 This book covers the developing field of open source research and discusses how to use social media satellite imagery big data analytics and user generated content to strengthen human rights research and investigations The topics are presented in an accessible format through extensive use of images and data visualization In Defense of Politicization of Human Rights Elvira Domínguez-Redondo, 2020-06-01 In Defense of Politicization of Human Rights The UN Special Procedures constitutes the first comprehensive study of the United Nations Special Procedures covering their history methods of work institutional status relationship with other politically driven organs and processes affecting their development Special Procedures have existed since 1967 nearly as long as United Nations Treaty Bodies but have received only fragmented analysis normally focused on a few thematic mandates until the creation of the Human Rights Council in 2006 In seeking to debunk commonly held views about the role of politics in human rights at international level In Defense of Politicization of Human Rights constitutes the first comprehensive study of the United Nations Special Procedures as a system covering their history methods of work institutional status relationship with other politically driven organs and processes affecting their development The perspective chosen to analyze the human rights mechanisms most vulnerable to political decisions determining their creation renewal and operationalization casts a new light on the extent to which these remain the cornerstone of global accountability in protecting the inherent dignity and worth of individuals as well as groups International human rights mechanisms efficiency is normally linked to the work of independent experts keen to push the boundaries of accountability against recalcitrant States determined to defend their sovereignty As a corollary progress in this field is associated to the creation and maintenance of political free spaces Another common presumption is a belief in a differentiated North versus South approach to the promotion and protection of human rights that find common ground within the prevalent human rights discourses repeated by governmental and non governmental actors Through the lenses of the United Nations Special Procedures In Defense of Politicization of Human Rights challenges these and other presumptions informing doctrinal studies policies and strategies to advance international human rights Because of the Special Procedures growing salience and impact in the world of international human rights this book is likely to become required reading for any student or practitioner of international human rights *NGOs, Knowledge Production and Global Humanist Advocacy* Alistair Markland, 2020-03-02 NGOs Knowledge Production and Global Humanist Advocacy is an empirically and theoretically rich account of how international non governmental organisations produce knowledge of and formulate understandings about the world around them The author applies critical and sociological perspectives to analyse the social and political limits of knowledge generated in support of global advocacy efforts aimed at enhancing human rights and preventing violent conflicts It is found that despite their transnational networks and claims to humanist universality the proximity of global advocates to Western power structures and elite social spaces delimits their worldviews and curtails the potential for radical departures

from mainstream political thinking This book will be of interest to scholars and students of international relations human rights the sociology of knowledge peace and conflict studies and critical security studies

Serious Violations of Human Rights Ilia Siatitsa, 2022-05-12 This book analyses the use of the expression serious violations of human rights and similar ones such as gross or grave in international practice It highlights some of the recurring responses and consequences to such violations and suggests that a new special regime eponymous to the above mentioned expression was formed This special regime is understood as substantively limited to a very specific issue area of human rights violations Within this regime a series of monitoring mechanisms and procedures are in place to highlight document and record such violations specific measures are taken to enforce compliance and certain consequences arise focused on remedying the victims of such violations As such this special regime is comprised of at least four thinly interconnected components the substantive the monitoring the enforcement and the remedial ones This monograph constitutes a first step towards the recognition of such a regime allowing far more constructive and coherent elaboration in the future Practice around this category of violations may well evolve in a different direction than the one suggested here However what becomes apparent from this work is that the serious violations of human rights are a key notion in the international legal order as it allows the international community to depict those factual situations requiring its attention and action

Legal Mobilization for Human Rights Gráinne De Búrca, 2022 This book is based on the specialized courses during the 2019 AEL summer course on Human Rights Law *The Complexity of Human Rights* Philip Alston, 2024-02-08 This book provides the first systematic assessment from a human rights law perspective of the landmark contributions of the renowned legal anthropologist Sally Engle Merry What impact does over simplification have on human rights debates The understandable tendency to present them as a single universal and immutable concept ignores their complexity and by extension only serves to weaken them Merry and her colleagues transformed human rights thinking by highlighting the process of vernacularization which sees rights discourse as being unavoidably dependent upon translation and interpretation She also warned of the pitfalls of excessive reliance upon statistical and other indicators through the process of quantification Here the leading voices in the field assess the significance of these contributions

Human Rights and Development Peris Jones, 2023-07-25 The emergence of human rights within development and the evolving relationship was increasingly brought to bear upon key debates and policies over the last couple of decades This book provides a critically informed comprehensive and multi disciplinary entry level account of this engagement between human rights and development It is theoretically and practically grounded and explores three over arching questions and themes First why and how have human rights made this breakthrough Second is there agreement on human rights as a concept and how it is being used and understood within diverse development practices at global national and local levels Third how can we gauge the impact of human rights based approaches upon development outcomes The book concludes with what the future may hold for human rights and development In depth understanding of human

rights as a development challenge and development as a human rights one is presented and delineates the diverse responses and alternative critical approaches. Wide ranging in scope it covers many examples of human rights within development including global policy initiatives and vulnerable groups such as those living in poverty, socially excluded people living with HIV/AIDS, residents of informal settlements and human rights defenders. This textbook will be an essential resource for social science students particularly in the fields of development studies, human rights and geography as well as those interested in the intersection between law, human rights and social change. It should also appeal to practitioners in development and human rights.

The Roles and Functions of Atrocity-Related United Nations Commissions of Inquiry in the International Legal Order Catherine Harwood, 2020-01-13. In *The Roles and Functions of Atrocity Related United Nations Commissions of Inquiry in the International Legal Order* Catherine Harwood explores the turn to international law in atrocity related United Nations commissions of inquiry and their navigation of considerations of principle, the legal and pragmatism, the political to discern their identity in the international legal order. The book traces the inquiry process from establishment and interpretation of the mandate to legal analysis, production of findings and recommendations. The research finds that the turn to international law fundamentally shapes the roles and functions of UN atrocity inquiries. Inquiries continuously navigate between realms of law and politics with the equilibrium shifting in different moments and contexts.

#HumanRights Ronald Niezen, 2020-07-28. Social justice and human rights movements are entering a new phase. Social media, artificial intelligence and digital forensics are reshaping advocacy and compliance. Technicians, lawmakers and advocates sometimes in collaboration with the private sector have increasingly gravitated toward the possibilities and dangers inherent in the nonhuman. *HumanRights* examines how new technologies interact with older models of rights claiming and communication, influencing and reshaping the modern day pursuit of justice. Ronald Niezen argues that the impacts of information technologies on human rights are not found through an exclusive focus on sophisticated expert driven forms of data management but in considering how these technologies are interacting with other traditional forms of media to produce new avenues of expression, public sympathy, redress of grievances and sources of the self. Niezen considers various ways that the pursuit of justice is happening via new technologies including crowdsourcing, social media facilitated mobilizations and enclosures, WhatsApp activist networks and the selective attention of Google's search engine algorithm. He uncovers how emerging technologies of data management and social media influence the ways that human rights claimants and their allies pursue justice and the new victimology that prioritizes and represents strategic lives and types of violence over others. *HumanRights* paints a striking and important panoramic picture of the contest between authoritarianism and the new tools by which people attempt to leverage human rights and bring the powerful to account.

Non-Governmental Organisations and International Law Prahlad Rai, 2024-08-27. This book explores how non governmental organizations, NGOs with their sphere of influence within the State and beyond enrich the international community by working on critical

areas affecting people's lives and expectations to facilitate a more humanising international law. It provides ideas, highlights issues and identifies actors' actions and the scope of NGOs in international law. It charts possibilities and limitations of NGOs within the legal framework of a State and its evolution over the years. The book highlights how NGOs having obtained consultative status from the UN Economic and Social Council have now extended their access and area of influence to international actors like inter-governmental organisations, international courts and tribunals. It provides an overview of NGOs' performance and the important role they play in the making of human rights, protection of environment and business ethics. The book is primarily doctrinal, containing case studies of important NGOs. The purview is an inquiry, analysis and overview of literature of NGOs in international law from a wide range of sources. The book will help shape the debate over power and functions of NGOs in the background of new loci of NGOs' work. It is useful for students, research scholars, the NGO community, corporations, CSR departments and concerned governmental agencies. Additionally, being interdisciplinary in nature, it caters to the demands of politics, sociology, management, public policy and social work apart from law.

Commissions of Inquiry Christian Henderson, 2017-05-18. This timely and pertinent collection looks at the variety of questions involved in the operation of Commissions of Inquiry (CoIs). Traditionally existing as pure fact-finding bodies, in recent times the function of CoIs has arguably shifted and broadened so as to provide a form of legal adjudication. This shift in their application merits scrutiny, and this edited collection of essays addresses institutional and procedural aspects of CoIs as well as issues in regards to the application and interpretation of the substantive law applied to them. Essay topics include the relationship of CoIs with and impact upon traditional forms of adjudication, the influences of international law upon the work of CoIs, through to issues of procedural fairness. Drawing upon the expertise of scholars working within the field, it offers an insightful and critical analysis of CoIs.

New Technologies for Human Rights Law and Practice Molly K. Land, Jay D. Aronson, 2018-04-19. Provides a roadmap for understanding the relationship between technology and human rights law and practice. This title is also available as Open Access.

Human Rights and Technological Change Michael Homberg, Benjamin Möckel, 2022-05-25. *ber das Spannungsverhältnis zwischen Menschenrechten und modernen Technologien für die Zeit seit dem Zweiten Weltkrieg. Werkzeug der Unterdrückung oder Vehikel der Emanzipation?* Moderne Technologien sind zu einem wichtigen Thema der Menschenrechtspolitik geworden. Überwachungstechnik, militärische Drohnen und digitale Datenanalysen stellen die internationale Menschenrechtsbewegung vor neue Herausforderungen. Gleichzeitig eröffnen diese Techniken auch neue Chancen: Menschenrechtsverletzungen zu dokumentieren, anzuprangern und ein zivilgesellschaftliches Engagement zu fördern. In diesem Band wird diese ambivalente Beziehung in historischer Perspektive analysiert. Gezeigt wird, wie die Verbreitung moderner Technologien die Menschenrechtspolitik herausforderte und unterstützte. Hervorgehoben werden dabei vier Schlüsselbereiche: 1. Entwicklungspolitik, allen voran bei Infrastrukturen und technischen Großprojekten; 2. Bevölkerungspolitik und demographisches Wissen; 3. Medien und Kommunikationstechnologien; und 4. die gesellschaftlichen

Auswirkungen der Computerisierung Indem diese Debatten für die Zeit nach 1945 nachgezeichnet werden erhalten aktuelle Diskussionen über die Herausforderungen neuer technologischer Entwicklungen eine historische Dimension Der Band erscheint vollständig in englischer Sprache _____ The volume analyses the ambivalent relationship between human rights and modern technologies since 1945 Tools of suppression or agents of emancipation Modern technologies have become a major subject of human rights policy Surveillance technology the military use of drones and the possibilities of Big Data analysis pose new challenges for the international human rights movement At the same time these techniques offer new ways to document and denounce violations of human rights and to promote mass mobilization The volume analyses this ambivalent relationship between human rights and technological change in a historical perspective Showing how the spread of modern technologies both challenged and served human rights policies the volume focuses on four key areas of technological change 1 development politics infrastructures and large technical systems 2 population politics and demographical knowledge 3 media cultures and communication technologies and 4 the societal impact of computerization By sketching these debates since 1945 the volume adds a historical perspective to current debates about the political and ethical challenges of new technological developments The volume is published entirely in English _____ *The Law of International Humanitarian Relief in Non-International Armed Conflicts* Matthias Vanhullebusch, 2021-10-05 This book comprehensively covers the entire scope of conflicting rights and duties of the fighting parties and international humanitarian relief actors in non international armed conflicts namely from the moment of the initiation of international humanitarian relief actions till their authorisation and throughout the consecutive stages of the delivery of relief From the practice of frontline humanitarian negotiations this book reconceptualizes how those rights and duties are coming into being and how compliance with agreements on humanitarian access and other international humanitarian law and international human rights norms can be ensured and or their normativity can be strengthened _____ Proving International Crimes Yvonne McDermott, 2024-08-19 Proving International Crimes elucidates how international criminal tribunals have tackled the immense and complex task of proving international crimes such as genocide war crimes and crimes against humanity The challenges posed by the scale and scope of these crimes and the distance in time and space between their commission and their prosecution are well known Nevertheless investigators lawyers scholars and policy makers often look to the law and practice of international criminal tribunals to establish what standards need to be met in the collection preservation presentation and analysis of evidence to prove international crimes In offering a comprehensive account of the law and practice of evidence before international criminal courts and tribunals to date as well as recommendations for future practice this book aims to inform domestic regional and international accountability processes for crimes going forward This book demonstrates that owing to the flexibility built in to the legal and procedural frameworks of international criminal courts and tribunals the law of international criminal evidence is often unpredictable and uncertain To this end McDermott argues for the development of a coherent epistemic framework

driven by two guiding principles rectitude of decision and the highest standards of fairness **Narratives of Mass Atrocity**
Sarah Federman, Ronald Niezen, 2022-09-08 Offers a narrative approach to post conflict intervention showing how legalism following mass violence encourages dangerous binaries **The Future of Economic and Social Rights** Katharine G. Young, 2019-04-11 Captures significant transformations in the theory and practice of economic and social rights in constitutional and human rights law *Research Handbook on Third World Approaches to International Law (TWAIL)*
Antony Anghie, B. S. Chimni, Michael Fakhri, Karin Mickelson, Vasuki Nesiah, 2025-10-07 This Research Handbook provides a comprehensive overview of Third World Approaches to International Law TWAIL with chapters exploring different facets of TWAIL scholarship It covers major doctrines and topics of international law as well as TWAIL perspectives on central historical and theoretical debates

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