Participatory Fact-Finding: Developing New Directions for Human Rights Investigations Through New Technologies

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1. Introduction

Much of the scholarship considering the role of new technologies in human rights fact-finding, including my own, has tended to focus on the question of how new technologies can be integrated into traditional human rights investigations. This is clearly an important question, but it is not the only one. Asking how human rights fact-finding can accommodate new technologies assumes the continued existence of human rights fact-finding as constant in the process of technological change. The relationship between new technologies and the practices they enable is not unidirectional, however, but mutually transformative. Practices that employ new technologies do not simply incorporate new methods but are also themselves fundamentally transformed in the process.

New technologies will change human rights fact-finding because they provide opportunities for ordinary individuals to investigate the human rights issues that affect them. Those who were formerly the ‘subjects’ of human rights investigations now have the potential to be agents in their own right. This new kind of fact-finding, which I call ‘participatory fact-finding’, may not be as effective in ‘naming and shaming’ states and companies that violate human rights because the absence of the imprimatur of an established organization may render the information collected vulnerable to critique. At the same time, new and more participatory techniques of investigation will be better suited to other forms of accountability. Participatory fact-finding has the potential to be fact-finding as empowerment—the collection of information and documentation of facts as means for empowering those affected by abuses to advocate for their change. These approaches to human rights investigation may move the practice of human rights fact-finding toward a model in which local human rights investigation plays a key role in community mobilization.
Using the example of a participatory mapping project in Nairobi, Kenya called Map Kibera, this chapter argues that participatory fact-finding will differ qualitatively from traditional fact-finding in two ways. First, this new fact-finding will be more effective in documenting violations of the positive obligation to fulfill rights than traditional fact-finding methods. Participatory approaches offer opportunities for gathering more data than is possible through victim and witness interviewing, the primary data collection method used in traditional fact-finding. More data will aid in evaluating state progress in fulfilling rights. This does not mean we should abandon interviewing or other events-based methodologies; it is only to say that new technologies enable methodological approaches that can be an important complement to traditional techniques and have an important role to play in investigating failures to fulfill economic and social rights.

Second, this chapter also argues that participatory fact-finding, enabled by the use of new technologies, facilitates bottom-up claiming of rights and thereby transforms human rights investigation into a tool for mobilization and constituency building. Democratized fact-finding may not always lend itself well to shaming states about their human rights records, but it will be better suited than current approaches for fostering local grassroots mobilization and providing a basis for community organization. Community involvement in the process of gathering information about rights enjoyment can foster greater awareness of rights and of state practices affecting those rights; promote the kind of shared awareness among participants that can catalyze advocacy; and strengthen participants’ human capital and advocacy skills. Opening up the act of mapping to formerly marginalized groups has the potential to shift power structures, bringing together those affected by rights abuses and thereby fostering collaboration. By supporting local participation, new technologies provide an opportunity to bring the practice of human rights fact-finding into greater alignment with human rights principles. Utilizing new technologies to achieve greater participation in human rights fact-finding will allow human rights organizations to ‘practice what they preach’—to integrate the principle of participation into their own work in addition to recommending it to states and other duty-bearers.

This is not to say that citizen fact-finding will replace fact-finding by professional organizations. There is and will continue to be a significant need for the kind of fact-finding done by large and established international human rights organizations. In addition, at least in the short term, greater participation in fact-finding will be best achieved when technologists and local and international organizations partner to create opportunities for citizen participation in their work. It is to say, however, that documentation projects involving citizens have the potential to be a new kind of fact-finding—to look and function differently than fact-finding as generally practiced by the major international non-governmental organizations and the United Nations. It will be diffuse, not centralized; constitutive, not adversarial. By opening up who can participate in investigation, new technologies will not replace established methodologies, but will instead broaden our understanding of what counts as human rights documentation and the purposes such investigations serve.

2. New Innovations in Fact-Finding

The traditional model of human rights fact-finding has historically been a top-down model of research, generally conducted by outsiders. New technologies and fact-gathering methodologies have the potential to disrupt this model by opening up participation in fact-finding to ordinary individuals. This section will consider both the traditional models of investigation and how these models are changing with the deployment of new technologies.
A. Democratizing Fact-Finding

Broadly, human rights fact-finding is the process of gathering information—typically in the form of testimonial evidence—about human rights issues and then evaluating this information in order to determine what happened and who is responsible. As practiced by the large international human rights non-governmental organizations (NGOs) such as Human Rights Watch and Amnesty International, fact-finders use the framework of international human rights law to evaluate the compliance of state and non-state actors with international legal norms and determine the extent of state responsibility for violations. These NGOs use this information for a variety of purposes, including, most commonly, publicizing their findings in order to shame the state or non-state actor in question into changing its behavior, an approach toward accountability called ‘naming and shaming’. ‘Naming and shaming’ seeks to publicize gaps between the conduct and promises of state and non-state actors in order to put pressure on these actors to live up to their international obligations.

As practiced by these large NGOs, human rights fact-finding has historically been research about what happens somewhere else. The authors of an early study of fact-finding, for example, describe it as requiring a ‘visit to the country of which the human-rights situation is under investigation, called field research’. Today, however, fact-finding by these NGOs is more localized. Research is more often undertaken in partnership with local human rights activists who provide input into the goals, development, and execution of these missions, as well as logistical and linguistic support. Many international NGOs now have a diverse staff from a variety of countries around the world, and reports are often written by researchers who spend years living in the country in question—in-country representatives who are, in essence, ‘on a permanent fact-finding mission’.

Human rights organizations also now frequently report on human rights violations in the countries in which they are located, something that early definitions of fact-finding excluded. Nonetheless, ‘human rights fact-finding’ remains a professionalized and often elite activity. As Dustin Sharp observes in his contribution to this volume, although their researchers reflect more global diversity and are often locally based, international human rights

2 Thoolen & Verstappen, supra note 5, at 34.
7 See, e.g., Human Rights Watch, No Time to Waste: Evidence-Based Treatment for Drug Dependence at the United States Veterans Administration Department of Veterans Affairs (2014). The Thoolen and Verstappen study excluded research done by NGOs about the country in which they were based because they lacked the ‘mission’ element. Thoolen & Verstappen, supra note 5, at 34.
organizations are still generally staffed by professionals trained at Ivy League schools who conduct their research in ‘that mystical location known as “the field”’. Despite a long history of fact investigation by local human rights and civil society organizations, the term ‘fact-finding’ continues to imply an outsider perspective, often a Northern or Western one. Moreover, even fact-finding undertaken by local organizations can privilege elite perspectives. As McDougall has observed, activists leading national human rights organizations, like those staffing international human rights NGOs, tend to come from elite backgrounds and may be no more in touch with the issues relevant to the situation they study than researchers from the outside.

New technologies have two important consequences for human rights fact-finding. First, new technologies and information gathering techniques have the potential to destabilize traditional models of human rights fact-finding by opening up who can participate in the process of fact-gathering. Fact-finding as practiced by the large international NGOs is conducted by human rights professionals. Although local human rights NGOs and civil society organizations have historically been more participatory, often emerging from efforts by victims to protest and resist ongoing abuses, the prevailing conception of fact-finding remains dominated by the image of the experienced researcher, and the credentialing of such individuals as ‘experts’ is an important part of establishing the credibility of the information gathered.

Today, however, information about human rights issues can be collected and disseminated widely by anyone with a connection to the Internet. Tools for capturing information about human rights abuses such as smart phone cameras are more widely available than ever before. Technologies also allow information to be captured and stored in digital form, and online platforms such as Facebook, YouTube, Flickr, Twitter and Open Street Map allow individuals to then share this digital information without the need for any intermediation. This means that ordinary individuals can play—and are playing—an important part in collecting and disseminating information about human rights issues. Some of the earliest photos of the 2006 coup in Thailand, for example, were taken and posted online by a college student who just happened to be in the right place at the right time. Technology savvy social entrepreneurs are launching election monitoring projects with nothing more than a server, a good database, and the willingness of unknown volunteers to send information via text message. Ordinary individuals post thousands of videos of human rights abuses to the human rights channel on YouTube.

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Second, the new information gathering techniques that new technologies have engendered enable the collection of a far greater volume of information than ever before possible. Involving non-professionals itself increases the amount of available information because there are more sources of information. Other approaches can increase volume even further. Crowdsourcing, for example, is an approach to gathering information and problem solving in which particular tasks are outsourced to a large and undefined group of people. Platforms such as Frontline SMS and Ushahidi then enable the collection, aggregation and manipulation of data obtained from the crowd. Peer-production is another method of producing knowledge that has the potential to generate higher volumes of information. In models of peer-production, the work is carried out by groups of individuals on a voluntary and self-organized basis, rather than centrally managed through a firm or organization. In each of these situations, technology has lowered barriers to participation and thus facilitated new forms of knowledge production that involve ordinary individuals and therefore have the ability to generate more information about human rights events than ever before.

This chapter uses the example of participatory mapping—and, in particular, a mapping project called Map Kibera, located in Kibera, the largest slum in Nairobi, Kenya—to illustrate the ways in which new technologies could potentially have a transformational effect on human rights investigations. Participatory mapping is a particularly useful example for considering the future of human rights investigations because it is a nascent form of peer-produced human rights fact-finding. Since the mid-1990s, the field of geographic information science has been increasingly focused on issues of social justice, and mapping has been used to document a range of social justice issues, including inequities in resource accessibility and resource allocation as well as differential perceptions about human rights abuses. Although still typically organized from the top down, participatory mapping projects nonetheless actively involve ordinary citizens in the process of collecting information about their communities.

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18 Land, supra note 12, at 1120.
another to create a shared understanding about their local environment, is perhaps the closest approximation to peer-produced human rights fact-finding currently available.

Map Kibera, in turn, is a good example of participatory mapping in a human rights context. Although Map Kibera did not explicitly use a rights framework or seek to document violations of international human rights law, it ended up collecting significant information about the level of enjoyment of rights in Kibera. Map Kibera is consistent with participatory mapping’s social justice orientation in its attention to the availability and accessibility of resources such as water, sanitation, and education in Kibera. Moreover, Map Kibera is a recent example that is distinguished by a high level of participant autonomy. Although the project was organized by two non-Kenyan experts in development and technology, decisions about what to map were left to the community. This high level of participant autonomy helps illustrate the opportunities that a participatory mapping approach involving new technologies might yield for mobilizing local communities.

B. Participatory Mapping

The term participatory GIS (participatory mapping using geographic information systems or GIS) was first used in the mid-1990s to shift the focus toward the social and political uses of GIS technology. Participatory mapping is oriented on ‘both process and product’. Such projects are typically designed to achieve not only a set of material goals, such as creating a map or gathering knowledge, but also discursive goals, such as fostering dialogue and shared understanding among participants, empowerment, and redistribution. The process of mapping is therefore not only about documenting the world, but also changing it. Although participatory mapping can also be accomplished with conventional media, the use of computer-based GIS has greatly decreased barriers to participation in these projects. The availability of new technologies such as desktop GIS and user-friendly global positioning systems (GPS) are making it easier for non-professionals to become involved in high-quality and precise mapping.

In recent years, there has been increased interest in using mapping and, in particular, participatory approaches to mapping, in humanitarian and development contexts. Development experts use participatory mapping to foster community empowerment and conflict resolution. Mapping, including community based mapping, has also been extended to the areas of

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23 Although the project did not explicitly use the language of human rights, descriptions of the project do at times use terms evoking rights claiming. See Ragan, ‘Putting Kibera on the Map’, 365 Days to My Thesis, available at http://365tomythesis.com/2011/01/20/365-days-11-putting-kibera-on-the-map-repost/ (noting that advocacy around the mapping endeavor was framed as making ‘demands’ for government responsiveness, including more security and better sewage services).

24 Sieber, supra note 20, at 492.


26 See, e.g., ibid.; Sieber, supra note 20, at 501.


28 ‘Spatial representations can be demonstrated or mapped using a variety of techniques, from children’s drawings to community-sewn tapestry to computer-based technologies, such as Geographic Information Systems.’ Kellogg, ‘From The Field: Observations On Using GIS To Develop A Neighborhood Environmental Information System For Community-Based Organizations’, 11 J. Urban & Regional Information Systems Ass’n (1999) 15, at 16.

humanitarianism. The new field of ‘crisis mapping’, which has been deployed in Haiti and Syria, among others, focuses on mapping during times of humanitarian crisis. Crisis mapping uses mobile and web applications, participatory mapping, crowdsourcing, satellite imagery, and statistical models ‘to power effective early warning for rapid response to complex humanitarian emergencies’.30 Conflict mapping maps events associated with a particular conflict, and typically ‘involves large scale data collection aimed at identifying patterns and trends in order to help ‘verify the extent and distribution of alleged atrocities’.31

Map Kibera is a community mapping project in Nairobi, Kenya. Erica Hagen and Mikel Maron started Map Kibera in 2009 with the goal of empowering residents of Kibera to map their own community and to see themselves as valuable contributors and holders of important information about their community.32 While most of the organizations working in Kibera were trying to ‘impair’ information to residents of Kibera, Hagen and Maron wanted the residents ‘to be researchers themselves, not merely distributors of knowledge imparted by others’.33 Hagen and Maron recruited a group of volunteers, provided them with training on GPS devices, and sent them into the community to collect information about points of interest. These points were not defined in advance; rather, the volunteers were encouraged to map things of interest to them. The information collected was fed back into Open Street Map (OSM), a free and open-source mapping platform.

After creating the baseline map of Kibera, the team began mapping points of interest related to human rights issues such as health, security, education, and water/sanitation. For each issue, the mapping team first held community meetings with stakeholders to identify relevant data points and the kinds of information that should be collected.34 The mappers then began collecting the data. The heath mapping project, for example, collected information about health institutions including the number of staff, access to prescription medicine, hours of operation, health services offered, and operational status.35 The education mapping project collected information about schools, including type, level, location, operational status, sources of funding, programs and services offered (including meals, special needs, sports program), number of staff, number of students, and school fees.36 A security mapping project conducted together with local girls’ groups identified a number of security concerns, including areas that were too dimly lit or

33 Ibid.
secluded. The water and sanitation map identified bathrooms, water points, open defecation sites, open drainage sites, and public trash locations.

After data collection, the team held additional meetings with relevant stakeholders ‘to discuss and add opinions, personal experiences, missing information, and stories to the map by drawing on tracing paper’. Although the founders originally imagined the data would be made available online through OSM, they ended up publishing maps in paper form given the lack of reliable Internet access in Kibera. For the security map, the mapping team also found a centrally located cement wall within the community and displayed the mapping results there, identifying the locations of police, street lights, support for victims of gender-based violence, bars, and dangerous locations that young people should avoid.

The project eventually added a geo-located citizen journalism project, Voice of Kibera, as well as a collaborative community video news channel, Kibera News Network. Voice of Kibera gives residents of Kibera the opportunity to publish news and information about their community through SMS short code, although most of the content published ended up being contributed by participants in the project rather than community members. Kibera News Network features participant-created videos reporting on a variety of issues of interest to the community (e.g., lack of title deeds, land grabbing, or a comparison of formal and informal schools), which are uploaded to YouTube. The project also expanded to other parts of Kibera. Map Kibera Trust, the organization incorporated to carry on the work of the initial project, has engaged in mapping in the Mathare and Mukuru slums in Nairobi, as well as in Kwale County in the south of Kenya, near Mombasa. GroundTruth, founded by Hagen and Maron based on their experiences in Kibera, has collaborated on projects in Dar es Salaam, Jerusalem, Kampala, and Swaziland, among other places.

Although Map Kibera began as an effort to empower the community by putting information resources in the hands of residents, it expanded in ways that look very much like human rights reporting. Map Kibera residents engaged in fact investigation by collecting

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41. Hagen, supra note 32, at 82.
43. Hagen, supra note 32, at 84; ‘2010 Year in Review’, supra note 36.
45. Although beyond the scope of this chapter, it is interesting to consider what the use of a rights framework might have changed about the nature of the project. The use of a rights framework can influence the trajectory of an advocacy movement in a variety of ways, including by bringing the movement into contact with transnational rights movements and advocates, orienting attention on legal standards and legal remedies, promoting a holistic approach that considers the relationships between and interdependence of rights, and focusing on the situation of the least advantaged members of the community. See, e.g., United Nations Development Programme, Human Development Report 2000, available at http://hdr.undp.org/sites/default/files/reports/261/hdr_2000_en.pdf, at 19-26.
information about the infrastructure, goods and services needed to facilitate the enjoyment of rights in their community. Although they did not evaluate this information by reference to international human rights norms or attribute responsibility, they did engage in a process of ‘finding’ or ‘establishing’ the facts, as community members considered what to put on the map and where and how to depict it. In addition, while the project did not fully succeed in its goal of using the information to pressure the government for change, participants clearly intended and hoped to use the maps in this way. Jane Bisanju, Map Kibera Project Coordinator, explained in a 2009 interview that the information contained in the maps makes it ‘easier to lobby Kenya’s government to invest resources into Kibera. For example, residents can use evidence from the maps to point to the need for road construction. They can now demand better sewage services because the maps clearly show areas where human waste is being dumped’. Primož Kovačič, a geodetic engineer and Programme Director for Map Kibera from November 2010 to February 2012, noted that presentation of the data and maps at community meetings immediately fostered discussions about how to use the information strategically. Observers also hoped that the maps might be used to demand greater accountability from non-state duty bearers such as the development and charitable organizations operating in Kibera, including by highlighting discrepancies between investments and poor outcomes. The next section uses the experience of Map Kibera, as a nascent form of peer production of human rights reporting, to illustrate the possibilities offered by new technologies for transforming human rights investigations.

3. New Directions for Human Rights Investigations

The emergence of participatory forms of fact-finding will have two transformative effects on the practice of human rights fact-finding. First, the availability of more information about human rights issues will be instrumental in developing new methods for documenting human rights violations, particularly in the area of economic and social rights. Second, the ability of ordinary individuals to be involved in the process of collecting and sharing information about human rights issues has the potential to make human rights investigation a crucial component of community mobilization itself.

A. Quantitative Data

New technologies can aid in human rights investigations because they enable the collection of much more information than is possible with traditional techniques. Traditional methods of fact-finding rely heavily on interviewing with victims, witnesses and perpetrators as a primary source of generating information about human rights issues. Interviewing is an excellent methodology for documenting particular events, but it does not generate the kind of data needed to reach conclusions about scope or progress over time. Although some of the information obtained through interviews may be quantitative (e.g., how many people were killed), much is qualitative (e.g., why they were killed). In addition, the quantitative information that is obtained through interviewing does not typically provide a basis for making statements.

46 Ragan, supra note 23.
48 Ragan, supra note 23.
49 Satherthwaite, supra note 1, at 64.
about the scope of the violations—either because it does not measure the population sufficiently comprehensively, or because the data obtained is not representative of (or cannot be made representative of) the population as a whole. Moreover, the data collected through interviews is not typically comparable over time, thus hindering the ability to assess progress. In light of these concerns, there are increasing efforts to integrate quantitative methods into the work of documenting human rights. Physicians for Human Rights, for example, uses population-based epidemiological research methods to assess the scope and nature of human rights violations. Patrick Ball, whose work also appears in this volume, has pioneered the use of statistical methods and modeling to estimate, among other things, conflict-related deaths in Bosnia and Syria. Human Rights Watch, as described by Brian Root in his contribution to this volume, is integrating quantitative methods into its work. The growth in the use of quantitative methods in human rights research is a response at least in part concern that interviewing alone may not provide a sufficiently robust basis for reaching conclusions about human rights violations, and that some combination of quantitative and qualitative methodologies provides advantages over either alone.

Quantitative data is particularly important for documenting violations of the positive aspects of state obligations. The positive aspect of a right is the obligation to fulfill the right—the duty to establish the structures and policies necessary for rights to be fulfilled and to fulfill rights directly when needed. Violations of the obligation to fulfill are often best measured through indicators rather than events. Events refer to a particular action of a state or other duty bearer at a particular point in time, while indicators refer to quantitative and qualitative measures of ‘the observance or enjoyment of a specific right’. Indicators are used to measure violations of positive aspects of rights because such violations ‘are not clear, time-bound events, but usually

53 Yamin, supra note 13, at 7; see also Physicians for Human Rights, ‘How We Work’, available at http://physiciansforhumanrights.org/about/how-we-work.html.
56 Satterthwaite, supra note 1, at 62.
arise from broader systemic failings of socio-economic policy’. In order to demonstrate systemic failings and to link these failings causally to the action or inaction of the state, researchers must be able to evaluate patterns and trends over time—activities which require quantitative data. Indeed, the absence of quantitative data has been identified as one of the most significant barriers to monitoring progress on economic and social rights.

Participatory fact-finding techniques potentially offer an important vehicle for assessing levels of enjoyment of a right because they provide a basis for generating greater quantities of data. For example, the education mapping effort of Map Kibera documented the existence of over 200 non-formal schools. Many in Kibera choose informal schools because they are less expensive, closer, and smaller, and because the number of formal schools, particularly in Nairobi slums, is inadequate for the population size. Information about informal schools is essential in assessing the government’s compliance with its obligation to provide primary education, both because of the problems it indicates in the public education system (e.g., too expensive, not enough schools, overcrowding) and what it says about the need for adequate oversight of informal options. Because it provides the possibility of collecting greater quantities of data at a lower cost, participatory fact-finding could be much more effective than traditional methods such as interviewing in gathering the data points needed to establish that rights are not being fulfilled as well as to measure progress over time.

The data generated by participatory fact-finding projects can also be useful in evaluating rights enjoyment along the dimensions developed by the United Nations Committee on Economic, Social and Cultural Rights—namely, the availability, accessibility, acceptability, appropriateness and quality of state efforts to fulfill rights. Quantitative data can tell us, for example, ‘what infrastructure, goods and services on the ground are available (eg doctors per capita) and where (hospitals per region), as well as who is accessing them. For example, a statistic on the distance children need to walk to get to school can give insights into the extent to which education is physically accessible.’ From its efforts at issue mapping and in particular through the consultations with the community, the Map Kibera team also learned a considerable amount about the physical and financial availability of resources in Kibera, such as the lack of affordable maternal health care, the absence of any mental health services, dentists, and

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61 Chapman, supra note 72, at 36.
62 Welling, supra note 59, at 957; UNDP, supra note 2, at 106.
63 Referring to the crowdsourcing projects organized around natural disasters in Russia, Asmolov argues that ‘[t]he major contribution of ICT, however, is in the coordination of large-scale distributed, nonhierarchical, multi-functional collective actions with many participants, over a wide geographical territory, and in a situation of information overload’. Asmolov, supra note 19, at 109.
66 Corkery & Way, supra note 60, at 331-32.
67 Ibid. at 332. The Carr Center report of a workshop on measuring human rights reported resistance among participants to measuring the extent to which rights are protected in the aggregate: ‘A human rights analysis . . . is concerned not so much with aggregate levels of attainment but with deviations from that national average, and with the discriminatory conditions that perpetuate those deviations.’ Measurement and Human Rights, supra note 51, at 27. Focusing only on discriminatory conduct and ignoring levels of enjoyment, however, neglects entirely the state’s positive obligation to fulfill rights.
opticians, the amounts charged by medical clinics, and the fact that ‘that people with acute emergencies often had to be carried several kilometers along mud paths to the government hospital’. The team also gathered important information about the quality of existing services, such as ‘the proliferation of low-quality chemists who prescribed inappropriate remedies’. Assessing the adequacy of existing resources may also provide important information about the kinds of institutional policies and systems that are needed to better protect economic and social rights and thus promote the ability of citizens to participate in discussions about what institutions are needed. Moreover, additional data can be helpful in assessing the reasonableness and proportionality of challenged actions, and disaggregated data can help assess claims of discriminatory impact.

Participatory mapping can also help generate the quantitative data needed for drawing conclusions about the progressive realization of rights over time. Understanding progress over time is central to establishing state responsibility for failures to fulfill economic and social rights given the explicit obligation of progressive realization in the International Covenant on Economic, Social and Cultural Rights (ICESCR), but it is also important for civil and political rights in light of the state obligation in Article 2(2) of the International Covenant on Civil and Political Rights (ICCPR) ‘to take the necessary steps . . . to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant’. Because they rely on the involvement of members of the community that is the site of the investigation rather than outside researchers, it is easier to create ongoing documentation projects designed to collect information over time. In the fall of 2013, for example, Map Kibera began an initiative to raise funds for ‘building a system for recording and mapping public health projects funded in the slums and public opinion about them’. According to Hagen, this project would map the location of all government projects in the slums of Kibera, Mathare, and Mukuru and ‘collect basic information about the progress and condition of each project and upload those to a specially designed open website’. Video teams would also document the opinion of residents about the quality and usefulness of each project. Local teams would then ‘take the results to administrators and officials, as well as locally publicizing the information through offline measures like paper prints and wall painting’ in order to ensure that funds are being spent where promised and the community’s needs are being met.

The approach of mapping the information gathered—in contrast to the typical approach of writing a report—also provides advantages with respect to economic and social rights

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68 Hagen, supra note 32, at 89-90.
69 Ibid.
70 Kovačič & Lundine, supra note 44, at 119.
71 Corkery & Way, supra note 60, at 330, 332; Corkery, supra note 58, at __.
76 Ibid.
77 Ibid.
violations. Mapping is particularly useful at establishing spatial correlations, which can be instrumental in understanding disparities and inequities in the distribution of resources. Participatory mapping has been used effectively to map social equity—to document the location of economic resources within a community, to understand the distribution of these resources, to identify differences in mobility and access to resources, to resolve conflicting claims to those resources, and to identify areas of risk.78 Mapping also provides a more comprehensive understanding of a situation than traditional narrative reporting, which ‘portrays a situation through a few particular instances of grievous human rights violations’.79 Understanding a situation more comprehensively and spatially can also identify opportunities and risks. The pattern of dangerous locations in Kibera, for example, might reveal important information about the causes of insecurity in these areas and provide direction for government actors seeking to improve security.

There is, of course, as with any turn toward quantitative data and indicators, the risk that their use will transform what should be a contextual, judgment driven process into something with a veneer of technocratic objectivity that narrows the space for democratic accountability.80 Participatory design and implementation may be a response to at least some of these concerns, however. Community participation in making decisions about the information to be gathered and the fact-finding methodology makes it more difficult to mask the underlying political nature of those choices and could open up democratic accountability rather than shutting it down. Participatory fact-finding methods may provide a vehicle for generating conversations with affected constituencies of the measures that should be used to assess compliance with economic and social rights.81 Another concern is accuracy. Quantitative data is difficult to collect and easy to get wrong, and the numbers that emerge may not do justice to the impact of the abuses documented.82 As discussed later in this chapter, citizen-generated information may be difficult to verify; accurate information is critical in all aspects of human rights investigation, and particularly when the researcher is attempting to extrapolate from a sample to reach conclusions about a larger population.83

While participatory fact-finding and mapping projects might be especially well-suited for collecting information, it may still be necessary for human rights professionals to be involved in the process of interpreting this information. Qualitative judgment is especially important in the

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79 Betts & Gisvold, supra note 31, at 26.

80 Rosga & Satterthwaite, supra note 59, at 258.

81 Ibid. at 314.


area of economic and social rights, since ‘[n]o one number, nor indeed several numbers, can conclusively diagnose whether a state is meeting its obligation to fulfil ESCR’. In the Map Kibera project, for example, participants ‘found’ predicate but not ultimate facts—they documented the number of formal and informal schools, but they did not reach conclusions about whether that constellation of schools met the state’s obligations with respect to education. Ascertaining legal responsibility will still require an understanding of the legal standards against which the state’s conduct and achievements are measured and for attributing responsibility. To the extent that projects seek to use citizen generated information to reach legal conclusions about responsibility for human rights abuses, partnerships with established human rights organizations may be able to provide this expertise.

B. Investigation as Activism

Greater participation is not only bringing new opportunities and new challenges to human rights investigations—it may change the very nature of fact-finding itself. Although the involvement in fact investigations by ordinary individuals who are directly affected by the human rights practices at issue may make participatory fact-finding projects less effective in ‘naming and shaming’ states that violate human rights, it has the potential to enable other methods for holding duty bearers accountable. Broader participation has the potential to transform investigations into a purposefully collective and collaborative activity that could provide a basis for bottom up mobilization around human rights issues.

One of the main challenges of involving non-professionals in human rights fact-finding is the problem of verification. Information generated through participatory methods can be mistaken, exaggerated, or even intentionally misleading—both in ways that are well-intentioned and those that are not. Anonymity, often needed to ensure security, can augment the risk of inaccurate or false information if it means the reporter no longer fears a threat of social sanction for inaccuracies. Once reported, bad information can be picked up by other sources, vaulting it to the headlines in a kind of echo-chamber effect. Moreover, as Patrick Ball notes in his chapter in this volume, techniques that seek to mine existing sources of information (such as traditional or social media) in order to reach conclusions about the overall nature or pattern of abuses may be prone to over- or understating the problem given difficulties in ascertaining the extent or nature of the errors in the original data set. The absence of standardized coding methods when relying on crowdsourced information makes it that much more challenging to identify unique events.

84 Corkery & Way, supra note 60, at 338.
85 Allison Corkery discusses examples of this capacity being built up at the community level. See Corkery, supra note 58, at __.
86 Land, supra note 12, at 1126-27.
90 As a participant in a workshop on measuring human rights observed, ‘There is a tremendous fetish for numbers […] Once a number is produced, it tends to circulate. It’s hard to bring it back, to change it, to add footnotes. […] They gain a political life, [and] there are interests which form around them. […] Certain groups have an interest in this number being higher, this number being lower. […] unleashing a whole economy of political interests.’ Measurement and Human Rights, supra note 51, at 33.
91 Ball, supra note 83, at __.
Accurate information is critical for all aspects of human rights work—advocacy, reporting, lobbying, litigation, diplomacy, persuasion—just as it is for development and humanitarian work.\(^9\) Accurate reporting is important in mobilizing the press and public opinion, for example, since the public is more likely to support information it finds legitimate and credible.\(^9\) The accuracy of the information collected is perhaps nowhere more essential, however, than in connection with advocacy techniques that seek to marshal facts in order to bring pressure on the state. The efficacy of this pressure depends nearly entirely on the perceived credibility and impartiality of the information gathered. Unless human rights reports are viewed as accurate and impartial, they will be vulnerable to attack by the states they target and will be ineffective in influencing behavior.\(^9\)

There are several techniques that can be used to verify and establish trust in the information gathered through participatory fact-finding. Broadly, verification approaches tend to focus on confirming either the data or the reputation of the reporter. Techniques to verify data include corroboration and vetting; information can be corroborated both internally and externally, by cross-referencing reports with other information, through aggregation or combination with other data sets, or via further investigation.\(^9\) Video can be assessed forensically to assess its validity.\(^9\) In Map Kibera, map data was validated via community consultations.\(^9\) Verification of data can also be done by the crowd or through peer-production models; with the exception of highly contested topics, peer-editing on Wikipedia produces entries that can rival more traditional encyclopedias.\(^9\) More recent work focuses on verification methods that use human computing (such as crowdsourcing and micro-tasking) and artificial intelligence (natural language processing and machine learning), to verify social media and crowdsourced data in crisis situations.\(^9\) Other approaches to verification rely on establishing trust in the reporter.\(^10\) Map Kibera, for example, employed a form of bounded crowdsourcing, which relies on reporting not from the general public but from a growing network of trusted reporters.\(^10\) The Voice of Kibera citizen news outlet established an editorial board of trusted individuals to verify incoming reports.\(^10\) Some projects using citizen-generated data opt for full

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\(^9\) Heinzelman & Meier, * supra* note 95, at 127-28; see also Citizen Evidence Lab, available at http://citizenevidence.org/.

\(^9\) Email from Mikel Maron, Aug. 6, 2014. Open Street Map data in general is also globally distributed and validated by the Open Street Map community. *Ibid.*

\(^9\) Heinzelman & Meier, * supra* note 95, at 131-35.


\(^10\) Kovačić & Lundine, * supra* note 44, at 123.

\(^10\) Hagen, * supra* note 32, at 81.
disclosure instead of verification, sharing the data received but making no claims as to its validity and allowing the audience to reach their own conclusions.\footnote{See Lauren Wolfe, ‘The Ultimate Assault: Charting Syria’s Use of Rape to Terrorize Its People’, Women Under Siege, available at http://www.womenundersiegeproject.org/blog/entry/the-ultimate-assault-charting-syrias-use-of-rape-to-terrorize-its-people (making clear that the Women Under Siege in Syria collects only unverified reports of sexual violence); Hagen, supra note 32, at 81 (noting that the Voice of Kibera project published all reports and labeled them as either verified or unverified). It is difficult, however, to resist drawing conclusions from such data, and even more difficult to ensure the media does not take them out of context. See, e.g., Allison Jackson, ‘6,000 Cases of Women Raped During Syrian Conflict, Human Rights Group Says’, Global Post, 26 November 2013, available at http://www.globalpost.com/dispatch/news/regions/middle-east/syria/131126/6000-women-raped-during-syrian-conflict.}

Although still relatively new, these methods of verification have the potential to make citizen-generated information play an increasingly important role in human rights research. Yet in some ways, the real challenge for participatory methods is not accuracy, but the perception of accuracy. In the human rights field, what counts is not only (and in some ways, not even) the actual veracity of the information, but rather the extent to which the information generated is perceived by relevant constituencies as accurate, credible and impartial. This premium on the perception of accuracy, credibility and impartiality is a function of historical conditions in which ‘naming and shaming’ emerged as a dominant human rights methodology for international human rights organizations. When human rights organizations began publicizing information about the complicity of the U.S. government in human rights abuses in El Salvador and elsewhere in the late 1970s and 1980s, the government’s primary response was to attack the accuracy of the report, forcing the organizations to invest heavily in defending their methodology.\footnote{Orentlicher, supra note 1, at 89-91.} Indeed, governments today still commonly attack human rights reports by criticizing their reliability.\footnote{Cohen, ‘Government Responses to Human Rights Reports: Claims, Denials, and Counterclaims’, 18 Hum. Rts. Q. (1996) 517, at 524.} In the recent conflict mapping project carried out in the Democratic Republic of Congo, for example, Rwanda leveled an extensive, thirty page critique that, among other things, critiqued the Office of the High Commissioner for Human Rights for failing to assess the bias and credibility of the organizations providing information as well as the decision not to disclose the identities of those organizations.\footnote{Republic of Rwanda, Official Government of Rwanda Comments on the Draft UN Mapping Report on the DRC, 30 September 2010, U.N. No. 552/16/OCHR/VS/ka/10, paras. 43-44.}

Rigorous defense of methodology continues to be the primary way to respond to state allegations that reports of human rights abuses are false or overstated.\footnote{Edwards & Koettl, ‘Looking to the Sky: Monitoring Human Rights Through Remote Sensing’, 32 Harv. Int’l Rev. (2011) 66, at 67-68 (detailing state responses of denial, minimization, and deferral).} Over time, however, the investments the large international human rights organizations have made in defending their methodology have helped them achieve a reputation for accuracy and methodology rigor akin to a brand. As one human rights scholar has noted, ‘the work of human rights NGOs is judged on an ad hoc basis, often relying more on the general reputation of the NGO concerned than on the methodology utilized in preparing any particular report’.\footnote{Hannum, supra note 6, at 295-96.} Even
assuming information generated through participatory methods were highly accurate, it might nonetheless not enjoy the same perception of accuracy associated with a Human Rights Watch report—simply because it is not information from Human Rights Watch. Without a branded organization to stand up for the accuracy and impartiality of the information collected, the ability of participatory fact-finding to serve the traditional purposes of human rights reporting—naming and shaming—may remain limited at least in the short term.

This does not mean, however, that new forms of fact-finding that rely on the participation of ordinary individuals do not have a place in human rights advocacy. Rather, it simply means that they may not be well suited for advocacy approaches that depend centrally on the perceived credibility and impartiality of the information used. Yet naming and shaming is not the only way to address human rights violations, and even large international NGOs that have branded themselves around naming and shaming engage in a variety of methods for advocating for greater human rights protections. Information obtained from non-professionals may still be very helpful for other purposes, such as identifying problems and allocating resources. Heinzelman and Meier, for example, argue that citizen generated information is already playing a significant role in identifying leads and priorities in human rights monitoring. Naming and shaming itself is also not a monolithic activity. Corkery notes, for example, that when the advocacy goal is for the state to do something rather than refrain from doing something, naming and shaming is more about prodding or pushing than denouncing abuses. In such contexts, information is used to identify areas of need, encourage action, and assist the state in developing responses, rather than imposing ‘shame’. Information generated by non-professionals may be vulnerable if used in highly politicized contexts in which the relationship to the state or duty bearer is charged and antagonistic; when advocacy is conducted in settings that are less antagonistic and more oriented toward advising and problem solving, citizen generated information could well be highly effective.

More radically, however, citizen-generated human rights investigation may end up being more important for its process than its product. While human rights fact-finding today is important primarily because it generates a product that can be used to pressure state and non-state actors to change their ways, participatory fact-finding has the potential to be important for the process it offers—namely, a process in which ordinary citizens can be involved in documenting and claiming their rights. This does not mean that citizen investigations cannot also generate information that can be used to pressure states; as discussed earlier, established human rights organizations increasingly rely on this information in their own work, and there is anecdotal evidence of information collected by citizens being used to advocate for concrete changes. Nor does it mean that accuracy is not relevant for participatory projects; accuracy is

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110 Heinzelman & Meier, supra note 95, 125-26. Ella McPherson has investigated the ways in which non-governmental organizations consume social media information, noting that they use it both as evidence and for what it indicates about levels of interest and participation among relevant constituencies. Information used for the second of these purposes is under less pressure to demonstrate its veracity. Ella McPherson, ‘Advocacy Organizations’ Evaluation of Social Media Information for NGO Journalism: The Evidence and Engagement Models’, Am. Behavioral Scientist (2014) 1, at 3.
111 See Corkery, supra note 58, at __.
113 Kovačić & Lundine, supra note 44, at 125.
crucial if the information is to be used effectively in any way, and is also a necessary
precondition for the establishment of trust needed for collaboration. Accuracy is also
particularly important when attempting to extrapolate from sample data to reach conclusions
about the scope or pattern of violations across a particular population. It is merely to argue that
there is a value in the constitutive process of participatory fact-finding that is independent of the
success the project has in turning the information gathered into a means for holding the state or
non-state actors accountable.

Participation might foster bottom up activism in a variety of ways. In the most immediate
sense, it constitutes a resource communities can use to gain leverage with other groups. As
Hagen has explained, ‘The fact that larger institutions want the information they have collected
means that Kibera residents could have new leverage among stakeholders, which could lead to
having a greater say in decisions that affect them most.’ Yet participation also fosters
collective action in less tangible ways. The ability to collect information without relying on
intermediaries can strengthen participants’ sense of autonomy and empowerment, which are
critical for claiming one’s rights. For the organizers of the Map Kibera project, for example,
one of the unexpected results of the project was an inspired sense of commitment and
volunteerism from Kibera residents to continually maintain and update the mapping project.
Although participatory mapping can also play a role in the reproduction of power inequalities,
many argue that participatory documentation has the potential to shift power structures and
empower formerly marginalized communities. Engaging in the process of fact documentation
can also contribute to social capital and advocacy skills, which are critical to mobilization. Inter-
personal connections, both strong and weak, are the crucial social capital on which movements
are built. Although it also requires social capital to work effectively, mapping contributes
significantly to the creation of social capital by bringing people together and providing a
framework in which they can build trust and work toward a collective goal.

Documenting one’s community can also foster a greater awareness of identity and the
development of political opinions and promote the kind of shared awareness that can catalyze
advocacy. Van der Windt, in discussing a crowdseeding project in the Democratic Republic of
Congo, emphasizes the importance of new technologies in helping participants identify and
understand their preferences and options. Meier argues that collaborative mapping provides
the impetus for conversations in which political opinions are formed. Maps in particular can

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114 See, e.g., *ibid.* (noting that the first response of government officials to a youth group’s blogs evaluating public
works projects was to question the group’s methodology); Asmolov, *supra* note 19, at 111 (noting that it was the
reputation and professionalism of the organizers of certain websites that drew other individuals to those sites in a
citizen-led effort to organize aid for disaster relief).

115 *Ball, supra* note 91, at ___.

116 *Hagen, supra* note 32, at 90, 92; see also *Land, supra* note 16, at 14 & n.90.

117 There may be similar benefits associated with the use of new participatory technologies in crisis situations. Keim
and Noji argue that using social media to organize community responses to disasters can help affected populations
build resilience by offering them concrete opportunities to contribute to the response. Keim & Noji, ‘Emergent Use

118 *Hagen, supra* note 32, at 100.

119 *Sletto, supra* note 27, at 445-46; *Sieber, supra* note 20, at 491.

120 *Meier, supra* note 30, at 138, 141.

121 Van der Windt, ‘From Crowdsourcing to Crowdseeding: The Cutting Edge of Empowerment?’, in *Bits and
Atoms, supra* note 19, at 144, 145.

122 *Meier, supra* note 30, at 134.
help ‘synchronize shared awareness, an important catalyzing factor of social movements’. In discussing the use of mapping for conflict resolution, for example, Heinzelman, Brown and Meier argue that the knowledge gained through mapping fosters both ‘collective consciousness’ and an awareness of the issues. In the Egyptian context, one observer has argued that although the use of participatory methods to monitor the 2010 elections did not have measurable effects on the election process itself, it did foster the development of a sense of collective identity within the preexisting activist community. Thus, in participatory projects, the act of investigation itself has the potential to serve a constitutive function, helping participants understand themselves and bringing them together around particular issues. The use of a rights framework aids in transforming this collective awareness into action because it focuses attention on whether the state is meeting its obligations and provides a legal and rhetorical framework for making demands.

Participatory fact-finding projects also have the potential to augment the role of local knowledge and expertise in human rights investigations. It is important to be cautious about the phrase ‘local knowledge’, since can ‘subsume[e] complex local power relations and social differentiation into a single representation’. Nonetheless, participatory methods present the opportunity for integrating perspectives not typically involved in fact-finding, as traditionally understood. Incorporating unconventional sources of information can yield unexpected but vital expertise and knowledge. Local actors may also be better suited to intervene in discussions about tradeoffs about resources. Knowledge of the context is also critical in ensuring that efforts to improve rights do not have unintended negative consequences. For example, in the Map Kibera project, participants learned that ‘chemists who had unlicensed examination rooms sometimes played critical roles’ given a lack of alternative services. Despite identifying a need to respond to uneven quality in these services, the team’s research made clear that simply eliminating such services could itself have harmful consequences. Indeed, participatory approaches to investigation may even be in some tension with conventional assumptions around the role of ‘truth’ in fact-finding. Facts are not just something to be ‘found’; they are also socially constructed, dependent on context and the particular positionality of the observer. Participatory approaches to fact-finding may in some ways achieve a greater ‘truth’ than traditional approaches because they incorporate a greater range of perspectives, including in particular the perspectives of marginalized groups. In doing so, such investigations increase the possibility that fact-finding will further the interests of local communities, since they ‘reduce the reliance on intermediaries’ who ‘inevitably and not necessarily inappropriately bring their own interests and preoccupations to bear in monitoring and reporting’.

123 Ibid. at 132.
126 Harris et al., supra note 21, at 215. At the same time, mapping can also be used to bring to the fore differences in socially constructed understandings of space. See Weiner & Harris, supra note 21, at __.
127 Roth, supra note 141, at 170.
128 Hagen, supra note 32, at 89-90.
129 Indeed, participatory GIS ‘seeks not to privilege any one type of information but to grant equal validity to all’. Dunn, ‘Participatory GIS – A People’s GIS?’, 31 Progress in Human Geography (2007) 616, at 621-22.
This is not to romanticize or otherwise overstate the transformative potential of new technologies. Such projects may not arise organically, since ordinary individuals will often lack the expertise or technology needed to launch a participatory mapping project. Map Kibera, for example, was organized by two non-Kenians with expertise in development and new technologies who also supplied the technologies needed by the group to engage in the mapping initiative. Even projects that do develop from the bottom up quickly recognize that some form of organization and leadership is needed for a sustained effort. Nor are such efforts necessarily ‘democratic’. Within communities there can be significant inequalities in power and authority, and adding technology—a highly valuable resource—can exacerbate those disparities. In addition, participatory approaches can also catalyze conflicts by raising awareness of and crystalizing latent conflicts or otherwise altering existing power dynamics.

Nor is it inevitable that activism will result. Indeed, the experience of Map Kibera demonstrates that activism is by no means a necessary outcome of more democratized processes. Although the impact of Map Kibera may only be evident with additional time, evaluations of the project conducted by researchers for the Institute for Development Studies and the UK Department for International Development, as well as the personal reflections of the founders themselves, indicate that more could have been done to foster a sense of ownership of the effort by participants, who saw themselves more as employees than owners of the project. More work was also needed to support the community in developing strategies for using the information to work for change. Residents tended to see the mapping project as valuable primarily because of the positive light in which it portrayed Kibera and the connections it provided to national and international sources of funding. It was also difficult to ensure that information was acted on. As Kovačić and Lundine note, the Map Kibera project was not very successful in linking the information the project generated with groups that could use it. The projects of Map Kibera Trust, the organization founded to carry on the work of Map Kibera, built on the lessons of Map Kibera and have focused considerable attention on community ownership. For example, the subsequent mapping effort in Mathare undertaken by Map Kibera Trust was more successful in ensuring its data was used because it actively involved local organizations in the planning stages of the project.

\[\text{\textsuperscript{131}}\text{Aronson, supra note 22, \textsuperscript{2}}. Participatory mapping projects also vary in terms of the levels of local control and autonomy and the extent to which they are externally directed. Dunn, supra note 129, at 619-21.}\]

\[\text{\textsuperscript{132}}\text{Asmolov, supra note 19, at 111; see generally Joseph, ‘Social Media, Political Change, and Human Rights’, 35 B.C. Int’l & Comp. L. Rev. (2012) 145, at 165 (‘While loose networks may play a key role in forcing dramatic and profound political change, more organized hierarchies are needed to anchor that change’).}\]

\[\text{\textsuperscript{133}}\text{Aronson, supra note 22, at \textsuperscript{2}.}\]

\[\text{\textsuperscript{134}}\text{Weiner & Harris, supra note 21, at \textsuperscript{2}; Dunn, supra note 129, at 620-21.}\]

\[\text{\textsuperscript{135}}\text{E. Berdou, Mediating Voices and Communicating Realities: Using Information Crowdsourcing Tools, Open Data Initiatives and Digital Media to Support and Protect the Vulnerable and Marginalised (2011), at 16; S. Musyoki, Reflection on Map Kibera Methodology from a Participatory Perspective (2010), at 4-5.}\]

\[\text{\textsuperscript{136}}\text{Hagen, supra note 32, at 90; Berdou, supra note 135, at 18. The use of a human rights frame can be one way in which advocacy movements can connect information with demands on governments and corporations.}\]

\[\text{\textsuperscript{137}}\text{Berdou, supra note 135, at 19.}\]

\[\text{\textsuperscript{138}}\text{Kovačić & Lundine, supra note 44, at 123.}\]

The potential for fact-finding to play a constitutive rather than just a descriptive role is an important development and one that deserves further exploration within the human rights community. Such participatory methods offer the opportunity to support community mobilization even if the information generated lacks some of the perception of credibility enjoyed by Human Rights Watch reports. Shifting the emphasis in fact-finding from product to process might be particularly welcome at a time when the efficacy of naming and shaming is under sustained critique. Many have argued that naming and shaming, as a methodology, is increasingly less effective today than when it was first employed in the 1970s and 1980s by Human Rights Watch. In particular, naming and shaming has been critiqued—most famously by Kenneth Roth, Executive Director of Human Rights Watch—as a method for challenging violations of economic, social and cultural rights. In light of these concerns, there have been calls for different approaches to human rights investigations, particularly in the context of economic and social rights. Understanding human rights investigation as not only about producing information that can be used to pressure states and non-state actors to change their behavior, but also as a means in and of itself to raise awareness of human rights issues and mobilize locally may be one way to reconceive of the role of such investigations in challenging human rights violations.

4. Bridging Old and New

At the conference associated with this volume, Iain Levine, Deputy Executive Director of Human Rights Watch, asked our panel an important but challenging question: What should be the relationship between new initiatives involving non-professionals and established organizations like Human Rights Watch? Most obviously, there continues to be a need in many places for ‘outsiders’ to act when ‘insiders’ cannot—situations in which both ordinary individuals and domestic human rights organizations cannot act for fear of retribution. In these situations, outside organizations play a crucial role by taking risks insiders cannot and even in some situations providing additional protection to local defenders by calling international attention to their work. Aside from those situations, however, the contours of the optimal relationship between citizens and professionals is less clear. One might imagine a model in which traditional and new approaches co-exist in relative isolation from one another, following perhaps Ken Roth’s suggestion of a division of labor in which self-organized projects or local organizations use ‘their special strengths to address ESC rights violations for which the shaming methodology of international human rights organizations is less suited.’

A better approach, however, would be for international human rights organizations to explore partnering with technology innovators and local human rights organizations to develop community mapping projects aimed in particular at documenting violations of economic and

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143 Roth, supra note 141, at 174.
social rights. Indeed, there have already been significant moves toward this model, with Amnesty International’s launching of the Citizen Evidence Lab, a project that provides human rights defenders with tools and training on how to authenticate user-generated content. There are several reasons for this. First, as discussed earlier, these projects may not get off the ground quickly without some organization. Partnerships between international and local organizations and technology entrepreneurs would give such innovations an important and much needed boost. Moreover, local human rights organizations, which have been on the whole more successful in integrating participatory methods in their work, might provide ideal partners for launching participatory mapping projects.

Second, partnerships between human rights researchers and technologists are important because they would facilitate critical discussions about victim and witness security. The security of those who engage in documentation, both human rights defenders and ordinary citizens, can be at risk with the use of new technologies. The technology innovators driving much of the experimentation in this space are critically important voices, but they may not be as well versed in understanding the risks that can be associated with human rights investigations. Indeed, the values of the technology field—a willingness to experiment and ‘to fail, adopt, and iterate’—can be in some tension with the need to develop considered and reasoned security protocols in advance. Although innovators working in this area might look to the principles being articulated for the deployment of technology in the context of humanitarian and development aid, these principles need to be adapted to the specific needs of human rights investigation. In addition, these discussions need to be informed by an accurate understanding of the technology; in crowdsourcing projects, for example, the security of those volunteering information might be more at risk by a requirement of informed consent since the process of obtaining consent could

144. Such an approach would track other shifts in the landscape of human rights advocacy. Sharp argues that ‘the marriage of fact-finding, rights-based advocacy, and mobilization is not exactly an untested and unproven phenomenon’, Sharp, supra note 9, at __, and several NGOs based in the Global South have adopted approaches to fact-finding that combine investigation with mobilization, ibid. at __; see also Ibhawoh, ‘Human Rights INGOs, the North/South Gap and the Challenge of Normative and Empirical Learning’, in D. A. Bell & J. M. Coicaud (eds), Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations (2007) 79, at 91.


146. Aronson, supra note 22, at __.

147. Yamin, supra note 13, at 1240.


149. Hagen, supra note 32, at 92.

150. Land, supra note 16, at 1; see also Kovačič & Lundine, supra note 44, at 123 (discussing similar tensions in the field of participatory development).

lead these individuals to be identified and targeted.\textsuperscript{152} Conversations between technologists and human rights researchers—which have already begun on sites like New Tactics for Human Rights\textsuperscript{153} and in connection with the work of NGOs like Benetech, the Guardian Project, and Witness—will be crucial for working out precisely how best to protect the security of victims and witnesses in human rights citizen investigations.\textsuperscript{154}

Third, partnerships aimed at creating participatory fact-finding projects would also contribute to building greater fact-finding expertise locally. Such partnerships would augment the capacity of local organizations to engage in human rights fact-finding. The human rights organization Witness, for example, has successfully worked for decades training local communities to document human rights issues, and emphasizes the importance of capacity building by making the tools for documentation widely available.\textsuperscript{155} Sharp’s chapter in this volume describes a partnership initiative designed to transfer knowledge about fact-finding practices to local human rights organizations by partnering on fact-finding projects. Ordinary individuals will also benefit from participation in these initiatives. In the Map Kibera project, for example, one of the most concrete benefit participants identified as a result of their work on the project were increased skills and expertise that could be leveraged in other contexts.

Although structuring these relationships in ways that do not privilege the needs and interests of the international partners is challenging,\textsuperscript{156} this is something all international-local partnerships struggle with on some level. In addition, there are also likely to be significant benefits for the human rights organizations that engage in these partnerships. Integrating user-generated information about human rights issues will not only provide them with additional data they can use to identify trends and corroborate leads, but could also open up the possibility of new ways to do fact-finding, including through the use of quantitative techniques and in the area of economic and social rights. If naming and shaming is a limited technique for addressing economic and social rights, perhaps others should be considered, given the urgency of addressing human rights violations resulting from global inequities.\textsuperscript{157} In addition, involving citizen-generated reporting may give these organizations a way to begin connecting more deeply with the constituencies on whose behalf they work. Advocates and scholars of human rights practice have long argued that human rights organizations lack constituencies and need to focus more on grassroots mobilization.\textsuperscript{158} McDougall argues, for example, that ‘To have a lasting impact, the struggle for human rights also requires a demand-side approach. Actual communities and

\begin{footnotes}
\item[154] See also Aronson, \textit{supra} note 22, at __ (calling for similar discussions).
\item[156] My thanks to Jay Aronson for this observation.
\item[157] ‘If the most severe and extensive violations of human rights stem not from the misbehavior of authoritarian rulers but from the global maldistribution of wealth and power and from structural features of the international political and economic systems, then to limit the activities of the international human rights organizations to problems for which there are clear standards, a clear culprit, and a clear remedy may render the organizations irrelevant to the most important struggles for justice today’. Bell, ‘Reflections on Dialogues between Practitioners and Theorists of Human Rights’, in Daniel A. Bell & Jean-Marc Coicaud (eds), \textit{Ethics in Action: The Ethical Challenges of International Human Rights Nongovernmental Organizations} (2007) 1, at 14.
\end{footnotes}
constituency groups must understand their struggles in the context of rights and obligations, they
must demand those rights, and human rights NGOs can then work with specific communities to
help translate those demands into mass-based action’. Although it is possible to disagree about
the extent to which a real constituency is needed for international human rights organizations in
particular to do their work, greater collaboration with the ordinary individuals who experience
the abuses they write about can only strengthen their position.

5. Conclusion

Several years ago, I predicted that there were three possible ways in which social media
and new forms of organizing could contribute to human rights reporting. Among other things, I
argued that an important role for social media in the fact-finding space would be to generate and
disseminate information about human rights abuses that could be relied on by NGOs writing
reports. Since the writing of that article, this has indeed come to pass. Journalists and human
rights organizations are increasingly relying on social media to learn about breaking news and
find compelling stories. Storyful, for example, is a new media company dedicated to assisting
traditional media organizations in using and verifying information and leads generated through
social media. Although it may not be easy to use information collected in this way to
extrapolate conclusions about patterns of human rights abuses, it is very clear that social
media information can be used to identify breaking stories and issues faster than ever before, and
to provide further corroboration for existing research.

The purpose of this chapter was in part to explore whether anything remained of the final
option I suggested in that article—the possibility of a model of community based collaborative
reporting. More than five years later, I still believe that the prospect of using new technologies
to increase participation in fact-finding remains possible. Where my thinking has changed,
however, is in terms of my expectations for what it might look like. After seeing the
development of participatory mapping projects like Map Kibera as well as a host of other
initiatives aimed at channeling citizen feedback about government progress on issues related to
economic and social rights, it now seems that more participatory models are likely to look and
function differently from traditional approaches. They may well look less like Human Rights
Watch and more like a development project. But the model they present fills an important gap

159 McDougall, supra note 11, at 15.
160 Land, supra note 12, at 1130.
162 Ball, supra note 91, at __.
163 Land, supra note 12, at 1134-36; see also Alston, supra note 12.
164 In Kenya alone, recent initiatives include Huduma, a site designed to allow citizens to post reports about service
mapping project organized by the Spatial Collective, Medic Mobile and Plan Kenya to enable citizens to submit
reports about post-drought water, sanitation and hygiene projects in Theraka, Kenya, ‘Monitoring the Delivery of
wash-projects/. In Namibia, UNESCO recently launched a project aimed at using participatory mapping ‘in order to
obtain a clear and transparent picture of the sanitation situation in schools and to promote community engagement in
decision-making processes concerning water management’. International Federation of Red Cross and Red Crescent
165 Ibhawoh, supra note Error! Bookmark not defined., at 66 (discussing development NGOs in Ghana
engaging in advocacy in which they are framing poverty as a human rights issue and noting that ‘ESC rights
advocacy appears to have blurred the lines between human rights and development-oriented NGOs’).
that has been missing from traditional approaches—the ability to document violations of economic and social rights in a way that fosters bottom up advocacy around those issues.

More importantly, new technologies enable opportunities to bring the practice of human rights fact-finding into greater alignment with human rights principles. As Alicia Ely Yamin notes, a human rights approach ‘is characterized by an emphasis on meaningful participation of the people who are affected by a given policy or program’.\textsuperscript{166} Typically, this has meant recommending that governments and other duty bearers integrate participatory methods into the processes by which they make decisions. New technologies are making it easier than ever before for human rights organizations to incorporate these principles into their own work, as well. Practices that employ new technologies do not simply incorporate new methods but are also themselves often fundamentally transformed in the process. The disruptive effect of technology has played a role in transforming other industries,\textsuperscript{167} and this may also be true for human rights fact-finding. This ‘new’ fact-finding will be more than a human rights tool—it will be a human rights practice. A central commitment of human rights advocacy is empowering individuals to make changes in their lives. Participatory human rights fact-finding furthers this goal directly.

\textsuperscript{166} Yamin, supra note 13, at 1236.