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An Emerging Fact-Finding Discipline?
A Conceptual Roadmap for Social Science Methods in Human Rights Advocacy

Forthcoming in THE FUTURE OF HUMAN RIGHTS FACT-FINDING

Margaret L. Satterthwaite
Justin C. Simeone *

Human rights advocates seek to find, interpret, and communicate facts about rights violations amidst some of the most complex social, economic, and political circumstances. To meet these challenges, fact-finders have developed research procedures that increasingly draw on a wide range of interdisciplinary tools and perspectives—with a notable expansion in the use of qualitative and quantitative methods from social science during recent years. Yet there is little discussion of investigative principles, research components, and methodological standards in the human rights field—a reality that often fuels tension and uncertainty over the extent to which social scientific research standards can and should inform evolving fact-finding conventions. As a result, fundamental questions about such standards remain unaddressed. To fill this gap, this chapter offers three core contributions. First, this chapter contextualizes the discussion by presenting data concerning the methods and conventions used by researchers at Amnesty International and Human Rights Watch in the years 2000 and 2010. Second, this chapter interrogates the nature of social scientific inquiry and the degree of overlap between social science research and human rights fact-finding by comparing investigative principles, research components, and methodological standards. These comparisons reveal that social scientific research and human rights fact-finding share many common foundations and suggest that there is great potential for further convergence—especially in relation to methodological transparency. Third, drawing on some of the key distinctions between social science research and human rights fact-finding, this chapter highlights some of the methodological trade-offs that human rights investigators will likely confront when more directly considering social scientific strategies. This chapter ultimately cautions against the creation of a social science of human rights fact-finding, given the unique challenges and irreducible ethical commitments of human rights fact-finding. It instead calls for open and inclusive conversations about the most promising and appropriate standards for the evolving practice of human rights fact-finding.

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Human rights advocates seek to find, interpret, and communicate facts about rights violations amidst complex social, economic, and political circumstances. The pursuit of factual accuracy is intrinsic to human rights advocacy. ‘A human rights group should never lose a factual challenge,’ statistician Patrick Ball emphasizes. ‘Our moral legitimacy depends on speaking truth to power.’

To meet this objective, human rights investigators increasingly supplement traditional testimonial strategies with social science methodologies, including quantitative data and tools.

Yet this trend has raised important questions and concerns about the relevance of seemingly abstract and technical social science methods, especially quantitative techniques. For example, Sally Merry worries that, when quantification enters the picture, ‘political struggles over what human rights … means and what constitutes compliance are submerged by technical questions of measurement, criteria, and data accessibility.’

In assessing statistical tools, others raise alarm over the trend toward ‘quantification—which threatens to replace traditional qualitative strategies with a new ‘technology of distance’ or ‘cult of statistical significance.’

Unfortunately, in spite of debates over the potential risks associated with the turn toward certain quantitative tools, there exists only limited discussion of the underlying investigative principles, research components, and methodological standards for the evolving human rights fact-finding community. To fill this gap, this chapter poses a foundational question: as human rights investigators increasingly rely on social science concepts and tools, to what extent do—and can—they follow the same disciplinary standards that guide and constrain social science researchers using the same methods? Based on current fact-finding trends, we argue that there is significant potential for human rights investigators to adapt some standards from social science. At the same time, we delineate a conceptual roadmap for future discussions about the most appropriate standards for unique human rights fact-finding challenges.

To inform this process, this chapter unpacks the ‘logic of inference’ that underlies much of social science research, devoting significant attention to the ways in which this logic interacts with fact-finding objectives and challenges. It attempts to capture the core values, research

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components, and methodological standards that structure the ways social science researchers identify, describe, and evaluate real world observations, presenting them alongside similar processes in the human rights fact-finding realm. In doing so, this chapter conceptualizes ‘social science’ in a broad manner that includes anthropology, economics, psychology, political science, and sociology. Despite the immense array of epistemological perspectives among and within these disciplines, a wider perspective allows us to identify common—if not universal—conventions that span inductive and deductive as well as qualitative and quantitative traditions.

This discussion is presented for consideration by human rights fact-finders who work in advocacy settings. Advocacy-oriented fact-finding has developed alongside criminal justice-oriented investigations, which focus on providing evidence for national and international criminal courts. Since these fact-finders already adhere to specific investigatory rules and standards—and often have significantly different objectives—we do not focus on this strand of human rights investigation. Although there is certainly crossover from one realm to another, our discussion most closely relates to fact-finding for advocacy purposes. Specifically, we draw significantly on the work of fact-finders using data-driven advocacy techniques—an important and expanding subset of the community.

Ultimately, this chapter aims to add weight to work already underway in the human rights community that seeks to move fact-finding beyond its roots in persuasive advocacy methods to more fully inhabit the space of valid inferential methods in support of advocacy. It is not our aim to suggest that fact-finding should become a social science of its own. There are many ethical and practical reasons why this would be ill-advised. In a world of ‘evidence-based’ policy, however, we suggest that investigators will benefit from greater reflection on the most promising and appropriate conventions for the human rights community. Greater transparency and rigor will ultimately enhance credibility with target audiences.

The chapter proceeds as follows. First, it provides original data that captures key developments toward embracing core social science practices in human rights fact-finding. Second, it explores key points of divergence and convergence between social science research and human rights investigations. Third, the chapter identifies principles that derive from the scientific process that can complement human rights fact-finding. Fourth, it identifies fact-finding components that guide investigation scope, information collection, and analytical examination—whether fact-finders engage inductive or deductive reasoning. Fifth, it provides a general framework for understanding the relationship between investigative objectives and methodological decisions. Sixth, drawing on some of the core distinctions between social science research and human rights fact-finding, the chapter highlights certain trade-offs between methodological decisions. Finally, it concludes with a call for open and inclusive conversations about the most appropriate standards for the evolving human rights fact-finding community.

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8 This chapter does emphasize empirical approaches, which are more closely aligned with fact-finding efforts.
9 These investigators typically have some training in social science and/or partial interest in speaking to audiences with some training in social science. The Human Rights Data Analysis Group is one example.
1. Recent Fact-Finding Strategies

Human rights fact-finding has its roots in the legal and journalistic traditions. Yet investigations increasingly incorporate data and tools akin to those in social science. This section provides an overview of key features of typical human rights reports based on an original data set that analyzes Amnesty International (AI) and Human Rights Watch (HRW) reports from the years 2000 and 2010. Compared to earlier reports, our data shows that 2010 reports rely on more sources and include more quantitative information. Although the reports address methodological decisions with greater frequency, there remain opportunities for a more direct and robust discussion of fact-finding methodologies.

A. The Data Set and Methodology

The data set encompasses all AI and HRW fact-finding reports, from the years 2000 and 2010, that were available in English and posted on the organizations’ websites. Reports were included if they: (a) presented facts and/or analysis explicitly based on some form of primary research, either field or desk research; and (b) included specific recommendations related to the content of the report. Trained law students coded over 30 variables in each report; additionally, verification checks were performed for 10 percent of the reports. A random sample of 42 reports was subjected to in-depth qualitative coding using the software package Atlas.ti by a trained graduate student. All coding activities were supervised, and discrepancies were resolved, by Margaret Satterthwaite. Quantitative analysis was conducted by Justin Simeone.

B. Human Rights Reporting Trends

AI and HRW published 258 reports that fit the description above during the years 2000 and 2010 combined. This section describes core characteristics of these reports, including the rights examined and information sources cited. It also captures whether a given report discussed

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12 Many sources use the terms ‘tools’ and ‘methods’ interchangeably. This chapter deliberately distinguishes between these terms. Whereas ‘tool’ refers to specific device for analyzing information (e.g., text analysis), ‘method’ refers to the ‘rules of inference’ on which the validity of that analysis depends (e.g., inter-coder reliability). ‘Methodology’ refers to the study of the latter process. See King, Keohane, and Verba, supra note 8, at 9. Whereas most debates focus on the data and tools, this chapter call for a broader focus on methodology—within the context of the larger investigatory process.

13 Recommendations were required to ensure advocacy-oriented reports. Numerous exclusion criteria were applied to ensure the data set was composed of reports based on original fact-finding. The data does not include: (a) reports styled as submissions to UN bodies, regional organizations, or other international entities; (b) amicus briefs and other legal filings; (c) memoranda, checklists, and ‘backgrounders’; (d) legal or policy memoranda (i.e., documents that analyze legislation or policy without research into other sources); (e) summary ‘World’ or ‘Annual’ Reports; (f) books published by external publishing houses; (g) press releases, press backgrounders, or ‘extended pressers’; and (h) summary versions of other reports by the same organization.

14 After an initial round of quantitative coding, the codebook was extensively revised, condensed, and simplified. A new set of trained students conducted the coding for this chapter.
methodology,\textsuperscript{15} included a specific methodology section,\textsuperscript{16} and/or described methodological limitations.\textsuperscript{17} Although these categories do not encompass all issues relevant to fact-finding procedures and methodologies, they suggest the degree of attention to methodology given by two prominent organizations that have played a key role in establishing this report ‘genre.’\textsuperscript{18}

Table 1: General Report Characteristics (Percent and Number)

<table>
<thead>
<tr>
<th>Rights Areas Covered in Report</th>
<th>Years</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>2000</td>
<td>2010</td>
<td>Diff.</td>
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</tr>
<tr>
<td>Total</td>
<td></td>
<td>n=115</td>
<td>n=143</td>
<td>—</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical Integrity</td>
<td></td>
<td>49.6 (n=57)</td>
<td>40.6 (n=58)</td>
<td>-9.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participation and Association</td>
<td></td>
<td>24.3 (n=28)</td>
<td>15.4 (n=22)</td>
<td>-8.9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Due Process and Rule of Law</td>
<td></td>
<td>49.6 (n=57)</td>
<td>48.3 (n=69)</td>
<td>-1.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rights in Armed Conflict and</td>
<td></td>
<td>33.9 (n=39)</td>
<td>13.3 (n=19)</td>
<td>-20.6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Humanitarian Law Rules</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Social, Economic, and Cultural</td>
<td></td>
<td>6.1 (n=7)</td>
<td>28.0 (n=40)</td>
<td>+21.9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender Equality, Identity, and Sexuality</td>
<td></td>
<td>8.7 (n=10)</td>
<td>18.2 (n=26)</td>
<td>+9.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research Characteristics</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Co-Authoring Organizations</td>
<td></td>
<td>2.6 (n=3)</td>
<td>6.3 (n=9)</td>
<td>+3.7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple Country Focus (&gt; 1 Country)</td>
<td>13.0 (n=15)</td>
<td>11.9 (n=17)</td>
<td>-1.1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field Research Component</td>
<td></td>
<td>64.3 (n=74)</td>
<td>88.1 (n=126)</td>
<td>+23.8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary Source Citations</td>
<td></td>
<td>88.6 (n=101)</td>
<td>95.1 (n=136)</td>
<td>+6.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reports &gt; 15,000 Words</td>
<td></td>
<td>39.1 (n=45)</td>
<td>70.6 (n=101)</td>
<td>+31.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recommendations Comprising &gt; 10% of Total Report</td>
<td></td>
<td>22.3 (n=25)</td>
<td>6.3 (n=9)</td>
<td>-16.0</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Table 1 indicates that reports focused on a growing number of human rights topics between 2000 and 2010. Mirroring broader trends, 2010 reports devoted greater attention to gender equality, gender identity, and sexuality as well as social, economic, and cultural rights. At the same time, these reports also grew lengthier.\textsuperscript{19} The average word count in 2010 reports was nearly 50 percent greater than the average word count in 2000 reports—increasing to an average of 23,717 words from an average of 15,709 words, respectively.\textsuperscript{20} The number of reports that explicitly relied on field research and cited to secondary sources also increased significantly.\textsuperscript{21} It is noteworthy that

\textsuperscript{15} This includes reports that discussed methodology beyond a simple statement that traditional human rights methods of interviews and visiting sites were utilized. The word ‘methodology’ need not be used; instead, the report could discuss any of the following: (a) types of research approaches used (e.g., interviews); (b) selection procedures for interviewees; (c) kinds of desk research undertaken; and/or (d) methodological justifications.

\textsuperscript{16} This includes reports where methodology was presented under a stand-alone, formal section, whether labeled ‘methodology’, ‘methods’, ‘approach’, or similar.

\textsuperscript{17} This includes reports where limits are discussed alongside methodology (e.g., limited access to certain provinces).


\textsuperscript{19} New rights areas taken on by the organizations (e.g., social and economic rights) were not responsible for the greater average length of 2010 reports.

\textsuperscript{20} For comparative purposes, this chapter (including footnotes) contains approximately 15,000 words.

\textsuperscript{21} Field research refers to an original investigation conducted by the organization. Secondary research refers to existing research from other sources.
recommendation length did not increase proportionally, suggesting that additional content focused on evidentiary information, methodological concerns, and other analytical components.

Table 2: Report Information Sources (Percent and Number)

<table>
<thead>
<tr>
<th></th>
<th>Years</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2000</td>
<td>2010</td>
<td>Diff.</td>
</tr>
<tr>
<td>Total</td>
<td>n=115</td>
<td>n=143</td>
<td></td>
</tr>
<tr>
<td>Testimonial Information</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interviews by the Organization</td>
<td>85.4 (n=76)</td>
<td>98.5 (n=129)</td>
<td>+13.1</td>
</tr>
<tr>
<td>Victims, Witnesses, and/or Survivors</td>
<td>78.4 (n=69)</td>
<td>98.4 (n=127)</td>
<td>+20.0</td>
</tr>
<tr>
<td>Government Officials</td>
<td>46.9 (n=38)</td>
<td>80.2 (n=93)</td>
<td>+33.3</td>
</tr>
<tr>
<td>Others (e.g., Experts)</td>
<td>48.8 (n=39)</td>
<td>89.3 (n=108)</td>
<td>+40.5</td>
</tr>
<tr>
<td>Focus Group Discussions</td>
<td>0.0 (n=0)</td>
<td>4.2 (n=6)</td>
<td></td>
</tr>
<tr>
<td>Primary Non-Testimonial Information</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surveys</td>
<td>0.0 (n=0)</td>
<td>3.5 (n=5)</td>
<td>+3.5</td>
</tr>
<tr>
<td>Primary Information (Original)</td>
<td>36.5 (n=42)</td>
<td>53.1 (n=76)</td>
<td>+16.6</td>
</tr>
<tr>
<td>Trial, Court, and Adjudication</td>
<td>12.2 (n=14)</td>
<td>7.7 (n=11)</td>
<td>-4.5</td>
</tr>
<tr>
<td>Forensic (e.g., Site Evaluations)</td>
<td>13.0 (n=15)</td>
<td>24.5 (n=35)</td>
<td>+11.5</td>
</tr>
<tr>
<td>GIS/Mapping Information</td>
<td>0.0 (n=0)</td>
<td>2.1 (n=3)</td>
<td></td>
</tr>
<tr>
<td>Secondary Non-Testimonial Information</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary Information (Non-Original)</td>
<td>87.0 (n=100)</td>
<td>95.8 (n=137)</td>
<td>+8.8</td>
</tr>
<tr>
<td>Health/Economic Indicators</td>
<td>16.5 (n=19.9)</td>
<td>36.4 (n=52)</td>
<td>+19.9</td>
</tr>
<tr>
<td>Criminal Justice (e.g., Prison Data)</td>
<td>73.9 (n=85)</td>
<td>72.0 (n=103)</td>
<td>-1.9</td>
</tr>
<tr>
<td>Demographic (e.g., Ethnic Data)</td>
<td>20.0 (n=23)</td>
<td>24.5 (n=35)</td>
<td>+4.5</td>
</tr>
</tbody>
</table>

Similarly, Table 2 demonstrates that AI and HRW reports increasingly relied on a broad range of primary and secondary information, both quantitative and qualitative. Along with a growth in explicit reliance on field research, more than 98 percent of 2010 reports included testimonial information explicitly drawn from interviews with victims, witnesses, government officials, and/or others. A small number drew information from focus group discussions. Yet many 2010 reports also included information from additional primary and secondary non-testimonial sources, including forensic (25 percent), demographic (25 percent), health or economic (36 percent), and criminal justice (73 percent) data. Although this practice increased in 2010 reports, Table 2 shows that reliance on these data was also common in 2000 reports. There is a small but notable change—from zero reports in 2000 to five reports in 2010—toward reliance on original survey data within these reports.

Table 3 highlights the relationship between the report information sources and methodological discussion components. From 2000 to 2010, the data indicates dramatic increases for all components—with an increase of 51 percentage points for reports that discussed methodology, 62 percentage points for reports that provided a formal section on methodology, and 14 percentage points for reports that discussed limitations for the chosen methodology. This trend was evident regardless of the source of information. Among 2010 reports that included health or economic data, 89 percent discussed methodology, 77 percent included a formal methodology section, and 27 percent provided details on methodological limitations. In spite of these changes, there remains less discussion of limitations, such as unusually abbreviated time periods for

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22 Primary non-testimonial information refers to original information collected by the organization from sources other than witness testimony or interviews.
investigation or especially difficult-to-access to target populations. Even among 2010 reports, less than one-third of reports percent discussed limitations—almost regardless of the data source. Collectively, these observations suggest that AI and HRW increasingly reflect on methodological choices and value transparency, but they do not always overtly describe potential limits associated with their decisions.

<table>
<thead>
<tr>
<th></th>
<th>Methods Discussion</th>
<th>Formal Section</th>
<th>Limits Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>25.2</td>
<td>76.2</td>
<td>+51.0</td>
</tr>
<tr>
<td>Testimonial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interviews</td>
<td>34.2</td>
<td>82.9</td>
<td>+48.7</td>
</tr>
<tr>
<td>Focus Groups</td>
<td>0.0</td>
<td>100.0</td>
<td>—</td>
</tr>
<tr>
<td>Prim. Non-Testimonial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surveys</td>
<td>0.0</td>
<td>100.0</td>
<td>—</td>
</tr>
<tr>
<td>Prim. Information</td>
<td>38.1</td>
<td>90.8</td>
<td>+52.7</td>
</tr>
<tr>
<td>Courts</td>
<td>28.6</td>
<td>90.9</td>
<td>+62.3</td>
</tr>
<tr>
<td>Forensic</td>
<td>40.0</td>
<td>91.4</td>
<td>+51.4</td>
</tr>
<tr>
<td>GIS/Mapping</td>
<td>0.0</td>
<td>100.0</td>
<td>—</td>
</tr>
<tr>
<td>Sec. Non-Testimonial</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sec. Information</td>
<td>28.0</td>
<td>78.1</td>
<td>+50.1</td>
</tr>
<tr>
<td>Health/Economic</td>
<td>36.8</td>
<td>88.5</td>
<td>+51.7</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td>28.2</td>
<td>75.7</td>
<td>+47.5</td>
</tr>
<tr>
<td>Demographic</td>
<td>30.4</td>
<td>82.9</td>
<td>+52.5</td>
</tr>
</tbody>
</table>

*Note:* For all reports that used the specified information source within the given year, the table includes the percentage of those reports that also included a discussion of methodology, a formal section on methodology, and/or identification of limitations. For example, of all 2010 reports that included (testimonial) interviews, 75.2 percent of those reports also included a formal section on the methodological strategy.

The data set only provides a snapshot of fact-finding practices for two organizations. By virtue of their size and funding, AI and HRW are not representative of all advocacy-oriented, fact-finding organizations—which have expanded greatly between 2000 and 2010. Yet these organizations remain important leaders that have, arguably, had a genre-defining influence on the fact-finding reports. The data set may therefore suggest greater interest in diverse information sources and greater awareness of methodological considerations within the broader advocacy community. The remainder of this chapter draws on AI and HRW reports, but also identifies examples from a variety of organizations in different parts of the world, where relevant.

**C. Current Debates and Future Questions**

The practices identified in the AI and HRW reports are consistent with many other commentaries on the trajectory of human rights fact-finding. New data sources and modern

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23 There is no single directory for human rights organizations around the world. A sense of the geographical spread of such organizations can be gained by using the term ‘human rights’ to search the UN database of NGOs with consultative status, available at: http://esango.un.org/civilsociety/login.do.

24 It is also evident in chapters within this volume, such as Meier’s discussion of crowd-sourcing technologies.
technological tools vary widely—ranging from analyses of satellite imagery provided by the American Association for the Advancement of Science to estimates of conflict-related deaths conducted by the Human Rights Data Analysis Group.\textsuperscript{25} Drawing on trends related to data collection and examination within social science, non-governmental organizations increasingly use such data and tools to document, classify, monitor, contextualize, prescribe, and advocate in response to rights violations.\textsuperscript{26} Their efforts promote a broader movement toward ‘evidence-based human rights’ research.\textsuperscript{27}

This trend has catalyzed significant debate within the human rights community. Supporters highlight the potential for social science methods to help human rights investigators identify rights violations, contextualize broader patterns, and determine individual responsibility—advantages they suggest will improve advocacy and hasten social change.\textsuperscript{28} Yet others stress risks associated with the ‘technicalization’ and ‘standardization’ of human rights fact-finding.\textsuperscript{29} Among many criticisms,\textsuperscript{30} three are especially prominent. First, some advocates contend that greater reliance on quantitative data obscures qualitative realities of human rights violations—essentially leading fact-finders to favor a ‘technology of distance’\textsuperscript{31} over a ‘responsibility to the story.’\textsuperscript{32} Second, other observers worry that a growing emphasis on technical tools will reproduce hierarchies—effectively ensuring that fact-finding will remain ‘an elite activity, carried out … by a class of professionalized “experts,” often based in the global north, conducting their “fieldwork” at sites … often located in the global south.’\textsuperscript{33} Many fear the rise of a ‘cult of statistical significance’ that favors abstract debates about statistical artifacts\textsuperscript{34} to the exclusion of tangible narratives of human rights violations. Finally, some argue that quantification is a Trojan horse, appearing to improve rigor but ultimately delegitimizing the very qualitative evidence that is often central to human rights advocacy and justice-seeking.\textsuperscript{35}

\textsuperscript{25} Landman and Carvalho note: ‘The measurements and monitoring of human rights has been a mainstay activity of human rights non-governmental organizations (NGOs) primarily for advocacy purposes and since the 1980s has become increasingly important for a wide range of human rights scholars and practitioners working across the broad spectrum of human rights issue areas from many different disciplinary perspectives.’ Landman and Carvalho, supra note 6, at 2.


\textsuperscript{28} Landman and Carvalho, supra note 6.

\textsuperscript{29} Jacobsson, ‘Standardization and Expert Knowledge’, in N. Brunsson et al. (eds), A World of Standards (2000), at 49. See also Merry, supra note 2, at S88.


\textsuperscript{31} Porter, supra note 5, at ix.


\textsuperscript{33} See infra Sharpe, ‘Human Rights Fact-Finding and the Reproduction of Hierarchies’, within this volume.

\textsuperscript{34} Ziliak and McCloskey, supra note 5, at 2.

Although these debates raise important questions about the potential risks associated with a turn toward quantitative or technical strategies, they often avoid a more foundational question for the fact-finding community: as human rights investigators increasingly rely on social science data and tools, to what extent do—and can—they follow the same disciplinary standards that guide and constrain social science researchers? This chapter suggests that it may be fruitful to consider the ‘framework for each research approach’—rather than relative merits of quantitative and qualitative strategies.\(^{36}\) Indeed, regardless of the data or tools, all investigative endeavors must address a fundamental question: *does a given methodology provide the best means to reliably and validly answer the investigative question, according to accepted norms and principles within the community?*\(^{38}\) With this query in mind, debates might constructively shift from a focus on the distinctions between social science and human rights approaches to a focus on the shared ‘norms and principles’ that may inform current and future fact-finding.

In contrast to other policy-focused fields such as public health and development economics, the human rights fact-finding community has devoted limited attention to openly identifying common principles, components, and methodologies in its investigatory processes.\(^{39}\) While such conversations often occur within individual organizations, broadening the discussion to allow human rights investigators to engage in an open and inclusive conversation may enable the community to better identify trade-offs and maximize strategies associated with various social science tools in the fact-finding context.

**2. A Social Science Discipline of Human Rights Fact-Finding?**

Before examining complementary features of social science research and human rights fact-finding, it is necessary to briefly consider the feasibility of this endeavor. Might human rights and social science epistemologies fundamentally clash? Although there are key areas of divergence, this section suggests that they are not prohibitive, and demonstrates that there are many convergent objectives and ways of knowing. As King, Keohane, and Verba generally define, the ‘distinctive characteristic that sets social science apart from casual observation is that social science seeks to arrive at valid inferences by the systematic use of well-established procedures of inquiry.’\(^{40}\) To the extent that human rights fact-finding follows specific procedures to derive

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\(^{36}\) King, Keohane, and Verba, * supra note 7, at 3.

\(^{37}\) As many social scientists now recognize, ‘good quantitative and good qualitative research designs are based fundamentally on the same logic of inference.’ King, Keohane, and Verba, ‘The Importance of Research Design in Political Science’, *89 Am Pol Sci Rev* (1995) 475, at 475. In other words, all social scientists—from the qualitative anthropologist using participant observation to the quantitative political science scholar running regressions—are ‘attempting to infer beyond the immediate data to something broader that is not observed.’ King, Keohane, and Verba, * supra note 7, at 8. Even scholars who oppose many of the tools and methods supported by King, Keohane, and Verba agree on this fundamental objective. Brady, Collier, and Seawright affirm: ‘[W]ile analysts have diverse tools for designing, executing, and evaluating research, it is meaningful to seek shared standards for employing such tools. These shared standards can facilitate recognition of common criteria for good research among scholars who use different tools. Methodological pluralism and analytic rigor can be combined.’ Brady, Collier, and Seawright, ‘Refocusing the Discussion of Methodology’, in H. Brady and D. Collier (eds), *Rethinking Social Inquiry: Diverse Tools, Shared Standards* (2004) 3, at 7. See also Epstein and King, * supra note 10 (distilling “the rules of inference” from social science and adapting them for legal research).

\(^{38}\) King, Keohane, and Verba, * supra note 7, at 12. As noted above, the fact-finding community is consistently evolving. This chapter partially aims to contribute to a broader conversation on accepted norms and principles.

\(^{39}\) See * supra note 6.

\(^{40}\) King, Keohane, and Verba, * supra note 7, at 6.
factual accounts, it is thus already—at least partially—a social science discipline. The following section briefly examines this notion.

A. Divergent Perspectives, Convergent Objectives

Key distinctions between social science and human rights are rooted in the often normative and instrumental interests of the human rights advocacy community and the academic and epistemological commitments of the social science research community. Whereas social scientists seek to explain empirical observations and develop corresponding theories according to agreed-upon ways of knowing, human rights investigators desire to marshal facts they ‘find’ about normatively-defined human rights violations in order to generate social, legal, and political change in the real world as expeditiously as possible. Social science researchers have the freedom to select cases with features that are amenable to ideal types of data collection and analytical examination. Human rights investigators, on the other hand, select their cases based on normative imperatives—a violation, the deprivation of a person or community in a situation where advocacy may have a positive impact and ‘do no harm’—coupled with strategic considerations about when, where, and how their work might be most effective. For these reasons, HRW investigators distinguish ‘research’ from fact-finding: ‘[We do] not generally identify its work as ‘research’, defined as seeking to develop “generalizable knowledge.” Rather, our investigations seek to document and respond to specific human rights abuses, monitor human rights conditions, and assess human rights protections in specific settings.

Although these conceptual differences are significant, they are often less pronounced in practice, where objectives and challenges frequently converge. On the one hand, apart from strictly normative concentrations, human rights investigators often have distinctly descriptive and explanatory objectives, occasionally leading them to adopt methods that are identical to those of social science. For instance, human rights investigators often structure their data collection in ways that explicitly allow for conclusions concerning complex dynamics that extend beyond the individuals interviewed. Social scientists similarly probe difficult issues that are not amenable to ideal research methodologies, sometimes leading them to undertake projects that appear very similar to human rights investigations. For example, the Voix des Kivus project in the Eastern Congo investigated the relationship between international development aid and patterns of civil

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41 Gready, supra note 32, at 189.
42 Gready, supra note 32, at 182.
43 Todrys et al., ‘Imprisoned and imperiled: access to HIV and TB prevention and treatment, and denial of human rights, in Zambian prisons’, 14 J Int’l AIDS Society (2011) 1, at 3 (internal citations omitted). This passage was included to explain why HRW does not fall within the purview of federal regulations and procedures concerning research with human subjects.
44 Sano and Thelle, supra note 27, at 93.
45 Human Rights Watch, AIDS Rights Alliance for Southern Africa, and Prisons Care and Counseling Association, Unjust and Unhealthy: HIV, TB, and Abuse in Zambian Prisons (2010), available at: http://www.hrw.org/sites/default/files/reports/zambia0410webcwcover.pdf. In another investigation, HRW and its partners chose methods ‘to provide a way of systematically presenting key indicators, as well as of allowing more thorough documentation of conditions and nuanced understanding of the interrelation of key variables’. Todrys et al., supra note 43, at 1, 2. The results were published as a report and as a series of articles in social science journals.
violence in that region by collecting data on security incidents. On the other hand, despite debate over the content and mode of enforcement for the ethical obligations of human rights fact-finders, investigators nevertheless face ethical challenges much like those applicable to social science researchers, including victim safety and confidentiality. Likewise, both communities confront challenges related to monetary and other important resources—though such limits may seem particularly restrictive to human rights investigators, who require rapid distribution of their findings to achieve their primary objective. Even as human rights investigations traditionally focus upon comparatively small data sets within a narrow time range, human rights investigators and social science researchers often struggle to make broader legal and policy recommendations based on findings.

In sum, by relaxing strict distinctions between social science and human rights, it is possible to identify at least three common objectives. First, both social science researchers and human rights investigators seek to identify valid facts amidst difficult social, economic, and political circumstances. Second, both communities engage in inferential processes—using observations from the world to learn about other unobserved facts. Third, both social science researchers and human rights investigators seek to relate findings to broader policy and scholarly debates. Indeed, it is no longer uncommon to find both human rights reports and social science studies that identify an underexplored rights violation, estimate the scope and causes of the violation, and provide violation-reducing recommendations.

B. Possibilities for Greater Convergence

Given that social science research and human rights investigations often share a set of common objectives, is it possible to envision an emerging social science discipline of human rights fact-finding? To do so requires researchers and investigators to explicitly consider how to integrate normative values with empirical strategies, identifying mutually-reinforcing investigative processes. Freeman contends that that this pursuit is worthwhile, remarking: ‘The concept of human rights lies in a domain in which normative philosophy, law and social science meet. … Understanding human rights requires us to understand both the contribution and the limits of philosophy and science.’ Although the following sections probe the possibilities for greater

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48 Gready, supra note 32, at 181. Human rights NGOs routinely train their personnel on informed consent and victim protection, and have extensive protocols for ensuring ethical fact-finding.
51 In a report on Zambia, HRW’s recommendations focus on Zambian prisons generally, not only on the specific prison under investigation. See HRW, supra note 45, at 124-131.
52 Questions as to whether it is possible to ever objectively locate the truth are beyond the scope of this chapter. The claim here is simply that both groups seek to find the truth—regardless of subjective preconceptions.
53 King, Keohane, and Verba, supra note 7, at 8.
54 King, Keohane, and Verba remark, ‘science at its best is a social enterprise.’ Ibid., at 9.
56 Freeman, supra note 49, at 99.
convergence, this chapter does not contend that human rights fact-finding can or should adopt all disciplinary conventions that are common in social science. Rather, given the topical and geographic diversity of human rights fact-finding, it contends that a deeper understanding of social science conventions can provide a conceptual foundation for future conversations on the most appropriate fact-finding conventions.\textsuperscript{57} In both descriptive and prescriptive modes, the chapter suggests that this foundation favors ‘not dogma, but disciplined thought.’\textsuperscript{58} In other words, this search for commonality is not intended to constrain investigative creativity or ingenuity; rather, it is meant to suggest that a ‘dynamic process of inquiry’ is possible ‘within a stable structure of rules.’\textsuperscript{59} Indeed, it should rarely—if ever—limit investigators’ freedom to focus on specific questions or observations that are most likely to promote rights improvements within certain environments.\textsuperscript{60} Ongoing practices within the human rights community, however, demonstrate that opportunities remain abundant. In these cases, a common conceptual foundation can help investigators identify positive practices, clarify practical trade-offs, develop strategies to maximize tools, and share insights with other fact-finders.\textsuperscript{61}

### 3. Foundational Values and Principles for Inquiry

Foundational social science values and principles can—and already do—guide human rights fact-finding practices. The following section first clarifies the meaning of science within social science research. It then examines relevant applications to human rights investigations.

#### A. Social Science Principles

Social science generally aims to make descriptive or explanatory inferences about the observable world.\textsuperscript{62} From this perspective, it focuses on empirical observations. What features characterize scientific research? Although some observers define science in terms of theory development or knowledge accumulation,\textsuperscript{63} empirical research within the social sciences tends to adhere to four core values or principles.\textsuperscript{64}

First, scientific research makes descriptive or explanatory inferences based on empirical observations. This requires systematic collection of quantitative and/or qualitative data—followed by an effort to use this data to determine additional but unknown information.\textsuperscript{65} For example, a

\textsuperscript{57} Although there will be exceptions to common standards, this chapter focuses on standards for most cases.

\textsuperscript{58} King, Keohane, and Verba, supra note 7, at 7.

\textsuperscript{59} King, Keohane, and Verba explain: ‘[T]he scholar must have the flexibility of mind to overturn old way of looking at the world …. However, if the researcher’s findings are to be valid and accepted by scholars in this field, all the revisions and reconsiderations must take place according to explicit procedures consistent with the rules of inference.’ King, Keohane, and Verba, supra note 7, at 12.

\textsuperscript{60} More rigorous data will not always correlate with more effective change. Human rights investigators know this well and necessarily consider advocacy objectives before selecting their research designs.

\textsuperscript{61} Brady, Collier, and Seawright observe: ‘Research design involves fundamental trade-offs. … A basic goal of methodology should be to establish shared standards for managing these trade-offs. Shared standards can become the basis for combining the strengths of qualitative and quantitative tools.’ Brady, Collier, and Seawright, supra note 37, at 14.

\textsuperscript{62} King, Keohane, and Verba, supra note 7, at 7.


\textsuperscript{64} The following discussion draws on a four-part definition in King, Keohane, and Verba, supra note 7, at 7-9.

\textsuperscript{65} Ibid., at 7-8.
researcher may collect survey responses from a representative household sample to estimate characteristics for a total household population. Alternatively, she may engage as a participant observer in community meetings to identify local concerns.

Second, scientific research relies upon a ‘set of rules of inference on which validity depends.’ The range of subjects for scientific inquiry are potentially infinite, and the unifying features of scientific inquiry relate to the methods themselves. For instance, when developing a survey sampling strategy, a researcher may rely on accepted conventions that other researchers have repeatedly proven effective. When presenting data from participant observation, she may similarly rely on accepted conventions that will resonate with the intended audience.

Third, scientific research uses public or transparent methods to create and examine information. The rationale is straightforward: ‘if the method and logic of a researcher’s observations and inferences are left implicit, the scholarly community has no way of judging the validity of what was done.’ For instance, a researcher using a survey may report the sample size and selection process so that other researchers may identify possible biases. A researcher using participant observation may similarly report the methods she used to gain entry to specific subgroups within a community and the techniques she adopted for interacting with participants.

Fourth, scientific research recognizes, estimates, and reports uncertainty. Since perfect information is never fully obtainable, researchers have an obligation to account for imperfections when formulating conclusions, especially recommendations. For example, a researcher using a survey may report the variance or standard error associated with total population estimates. A researcher using participant observation may report on the extent of immersion within a community and suggest possible observation limitations.

These four principles provide foundational standards for scientific inquiry. They also encompass core values for social scientific research—despite debate and development over time. Most notably, these values include systematic data collection, reliable methodological examination, transparent reporting practices, valid examination practices, and accurate or unbiased analytical conclusions. To what extent does fact-finding incorporate these values and principles?

B. Fact-Finding Applications

Although the wholesale application of rigid scientific values and principles might threaten to inappropriately constrain human rights investigators, adapted versions can be found in many existing practices. Yet key limits relate to agreement on norms and principles to guide methodological choices, specific forms of transparent reporting, and the formulation of uncertainty estimates. In these cases, there remain opportunities to further adapt social science values and principles for human rights investigations.

First, human rights fact-finders implicitly strive to make descriptive and explanatory inferences about rights violations and responsible actors based on empirical investigation (‘fact-
finding"). Such investigations need not depend on complex explanatory analysis to implicate inference; rather, inference is implicit every time that investigators identify and describe one or more cases as demonstrative of a larger pattern—however small, isolated, or indeterminate. For example, when an investigation documents previously unknown rights violations, inference is at work in the violations’ description. For example, in a 2010 report, HRW presents examples of a wide range of abuses faced by migrants to Thailand, suggesting that the abuses are illustrative of broader patterns. In addition, fact-finders often generate findings in a systematic manner. The large organizations under discussion provide in-depth training to their researchers and require that certain processes are followed consistently. While this kind of on-the-job training may be less intensive than the disciplinary training in social science, the desired outcome is similar.

Second, many human rights investigators already rely upon social science tools to ‘provide valid, reliable, and meaningful measures of human rights.’ Sano and Thelle observe that much academic human rights research ‘follows the general laws and criteria for sound and reliable research such as the validity and representativeness of the data used, clarification of basic premises and possibly relating to a body of theoretical literature.’ This is also true for many fact-finding reports. For instance, in a 2010 report, AI combines information from both individual interviews and focus group discussions conducted by the organization. It includes a formal methodology section and extensive historical chapters that cite to anthropological, ecological, and legal sources.

Third, there is some progress toward the transparent disclosure of methods in human rights reports. Data in Table 3 indicate a trend toward formal report sections devoted to methodology discussions. Although ethical obligations—such as requirements for the protection of victims and partner organizations—can necessarily limit complete disclosure of procedures, the principle of methodological transparency is consonant with broader human rights commitments. For example, in a 2010 report, HRW includes a formal methodology section that presents information about informed consent, the voluntary nature of interviewee participation, and confidentiality protections.

Fourth, there is less progress toward uncertainty estimates within human rights reporting. Data in Table 3 also demonstrate that few reports discuss methodological limitations. Although some human rights advocates may fear that this practice could discredit their findings, it might

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71 Epstein and King make a similar argument about legal scholarship: law review articles ‘evince a common characteristic: a concern, however implicit, with empiricism—basing conclusions on observation and experimentation—and inference—using facts we know to learn about facts we do not know.’ Epstein and King, supra note 10, at 2 (internal citations omitted).

72 Human Rights Watch, From the Tiger to the Crocodile: Abuse of Migrant Workers in Thailand (2010). The report uses language like the following to suggest the illustrative nature of the individual cases: ‘Aye Aye Ma’s experience with law enforcement is not uncommon. While it is possible for migrant workers to achieve a measure of justice in certain high profile cases, the norm is one in which police discretion is paramount, and impunity for abuses against migrants is pervasive.’ Ibid., at 5.

73 Landman and Carvahlo, supra note 6, at 127.

74 Sano and Thelle, supra note 27, at 93. Although Sano and Thelle primarily discuss academic human rights research, academic efforts demonstrate that the topic area does not prevent valid and reliable research strategies.

75 Amnesty International, Don’t mine us out of existence: Bauxite mine and refinery devastate lives in India (2010).

76 Ibid.

77 Replication is a key scientific objective that follows from methodological transparency. Although this is an ideal objective for both social science and human rights, the complex and temporary nature of many social phenomena limit realization.

instead confer greater legitimacy on report conclusions by demonstrating that the researchers are working to adhere investigative standards—even if they are not always possible in the difficult circumstances of human rights practice. For instance, in a 2010 report, HRW explains that more than 70 interviews with ‘victims of and witnesses to human rights abuses and laws-of-war violations’ were carried out in a refugee camp in Kenya because the organization did not have safe access to Somalia.\footnote{Human Rights Watch, \textit{Harsh War, Harsh Peace: Abuses by al-Shabaab, the Transitional Federal Government, and AMISOM in Somalia} (2010), at 6.}

In sum, embracing while adapting common social science principles could strengthen human rights investigations and reports. This conclusion is also true for social science values related to systematic research, reliable methods, transparent reporting, and unbiased conclusions. These values have practical benefits—ensuring the investigations are as accurate as possible. Yet they also serve strategic purposes—conferring legitimacy and trustworthiness on fact-finders who wish to ‘speak truth to power’ in a world of ‘evidence-based policy.’ The next section examines the ways in which these principles translate into investigative components.

4. Common Components and Standards for Research

Social science research examines a diverse range of social, economic, and political topics using a series of common components bound by identifiable standards. Thus, for social scientists, a ‘dynamic process of inquiry occurs within a stable structure of rules.’\footnote{King, Keohane, and Verba, \textit{supra} note 7, at 12.} Although human rights investigators hold different normative commitments, advocacy objectives, and ethical imperatives, social science components can complement and strengthen existing human rights practices by suggesting common standards by which fact-finders can draw conclusions.

A. Social Science Components

Social science research generally involves six primary components that are common to both inductive and deductive strategies. Rather than following a specific sequence, research is ‘a dynamic process conforming to fixed standards.’\footnote{Epstein and King, \textit{supra} note 10, at 54-55.} Figure 1 summarizes these non-sequential components: defining the research problem; specifying theoretical expectations; selecting cases and observations; drawing descriptive inferences; making causal or explanatory inferences; and reformulating prior theoretical expectations.\footnote{This figure is adapted and amended from a similar figure in Collier, Seawright, and Munck, ‘The Quest for Standards: King, Keohane, and Verba’s \textit{Designing Social Inquiry},’ in H. Brady and D. Collier (eds), \textit{Rethinking Social Inquiry: Diverse Tools, Shared Standards} (2004) 21, at 37. It describes the general research process advocated by King, Keohane, and Verba, \textit{supra} note 7. Although Collier, Seawright, and Munck disagree with many guidelines offered by King, Keohane, and Verba, they do not dispute the general research process. See Munck, ‘Tools for Qualitative Research’, in H. Brady and D. Collier (eds), \textit{Rethinking Social Inquiry: Diverse Tools, Shared Standards} (2004) 105, at 108-109.}

Social science researchers often define the research problem by selecting research questions that hold some practical importance in the real world.\footnote{King, Keohane, and Verba, \textit{supra} note 7, at 15. See also Epstein and King, \textit{supra} note 10, at 55 (quoting and citing King, Keohane, and Verba).} They also aim to contribute to existing scholarly debates.\footnote{King, Keohane, and Verba, \textit{supra} note 7, at 15-17.} Given the professional importance of these standards, social science
researchers will often alter or abandon a research question that cannot be framed in a manner that allows for valid inference.\textsuperscript{85}

For academic and epistemological reasons, researchers also specify theoretical expectations. Theory-building is a core objective that allows research findings to contribute to a larger body of understanding on a given topic. Scholars in the Popperian tradition attempt to develop specific, concrete, and falsifiable hypotheses—expectations derived from prior analysis or ongoing research that could be proven wrong.\textsuperscript{86}

\begin{figure}[h]
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\caption{Social Science Research Components}
\end{figure}

All social science research involves selecting cases and observations. Although the distinction between cases and observations can be subtle, cases are ‘broader research settings or sites within which analysis is conducted’ whereas observations consist of ‘pieces of data, drawn from those research sites, that form the direct basis for descriptive and causal inference.’\textsuperscript{87} As described in the next section, case selection often depends on the intended breadth of application for a given theory. When researchers aim to draw conclusions that extend beyond a given case or subset of cases,\textsuperscript{88} they typically select one or more cases that are representative of the broader population of concern—\textsuperscript{89}which is sometimes achievable through random sampling procedures.\textsuperscript{90} Similar standards apply to observation selection.\textsuperscript{91} Inductive research often favors fewer cases and

\textsuperscript{85} Ibid., at 18.
\textsuperscript{86} Ibid., at 19-20.
\textsuperscript{87} Collier, Seawright, and Munck, \textit{supra} note 82, at 38. See also King, Keohane, and Verba, \textit{supra} note 7, at 52-53, 117-118, 217-218.
\textsuperscript{88} King, Keohane, and Verba, \textit{supra} note 7, at 126.
\textsuperscript{89} This is often described as avoiding ‘selection bias.’ See Seawright and Collier, \textit{supra} note 63, at 305.
\textsuperscript{90} King, Keohane, and Verba, \textit{supra} note 7, at 116, 129-132, 135.
\textsuperscript{91} King, Keohane, and Verba advise that researchers collect more observations in order to increase inferential leverage. \textit{Ibid.}, at 19, 23-24, 29-31. The authors within Collier and Brady partly disagree with this guidance—which
observations from which detailed analysis can suggest mechanisms and scope conditions. In turn, deductive research tends to favor more cases and observations in order to systematically account for alternative explanations.

Once observable information is available, researchers draw descriptive inferences. King, Keohane, and Verba explain, ‘All phenomena, all events, are in some sense unique. … The real question … [is] whether the key features of social reality that we want to understand can be abstracted from a mass of facts.’92 This component can lead researchers to leverage case-based knowledge to create valid indicators, classify findings, and extract analytically relevant details.93 By doing so, social science researchers identify unexplained observations or surprising trends.94 Yet it is important that researchers employ reliable data collection procedures.95

In conjunction, researchers often seek to make causal or explanatory inferences. Since causation is not usually witnessed directly, researchers must engage in a careful process of induction and/or deduction based on observable information.96 Many factors can challenge causal inference. In some cases, an unobserved variable can affect both the explanatory variable and the outcome variable—leading researchers to mistake correlation for causation.97 In other cases, the outcome variable may instead cause the explanatory variable—leading researchers to infer a reverse relationship.98 These common challenges can lead deductive researchers to collect large amounts of information to account for many alternative explanations. By contrast, inductive researchers often prefer to closely examine causal mechanisms in a specific context.

After conducting some research and analysis, social science researchers evaluate theories based on findings. As in any scientific discipline, research is an iterative, dynamic, and ongoing process. Researchers share their results with the scholarly community—whether or not results support the theoretical expectations. They also report key research procedures and possible limitations—allowing observers to evaluate the findings.99 If a theory appears correct in a specific context, researchers will often take steps to test the theory in other contexts.100 To what extent are these components and standards relevant for human rights investigators?

B. Fact-Finding Applications

Reflecting on these social science components and standards can inform how human rights investigations are—and might be—conducted. To begin, it is helpful to excavate the inferential work already being done by human rights advocates in light of social science procedures, then adapt those components to the advocacy objectives, ethical obligations, and communication strategies associated with human rights fact-finding. Figure 2 suggests a schematic of adapted, non-sequential fact-finding components: determining the advocacy objectives; clarifying ethical

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92 King, Keohane, and Verba, supra note 7, at 42.
93 Ibid., at 25, 43, 48, 153.
94 Ibid., at 44.
95 Ibid., at 48.
96 A complete discussion of causality lies well beyond the scope of this chapter. For an introductory, quantitative perspective, see ibid., at 75-114.
97 Ibid., at 172.
98 Ibid., at 107-08. This is also known as an endogeneity.
99 Ibid., at 26.
100 Ibid., at 21.
obligations; selecting cases and observations; formulating investigative questions; specifying contextual hypotheses; drawing descriptive inferences; making causal or explanatory inferences; and sharing findings with intended audiences. Grey circles indicate fact-finding components that differ significantly from social science components.

**Figure 2: Human Rights Fact-Finding Components**

Human rights investigators place particular emphasis on advocacy objectives. This step is critical for fact-finding, which intrinsically has a practical, real world purpose—to halt violations. Investigators are uniquely positioned to understand the strategic tools that will help to generate change. For instance, advocates may grasp a need to ‘establish denial of rights,’ ‘reveal breaches of obligation,’ or ‘justify new laws or policies.’\(^{101}\) Investigators will likely also contribute to an existing advocacy campaign or policy debate. For example, human rights investigators at NYU and Stanford Schools of Law have brought forward evidence of civilian harm from US drones strikes within a region in Pakistan.\(^{102}\) Similarly, De Justicia has conducted a detailed analysis of Colombia’s compliance with United Nations Security Council Resolution 1325—which affirms rights for women in relation to peace and security.\(^{103}\)

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\(^{101}\) Langford and Fukuda-Parr, ‘The Turn to Metrics’, 30 *Nordic J Hmn Rts* (2012) 222, at 222. These advocacy objectives can affect the descriptive and explanatory methods. See also Rosga and Satterthwaite, *supra* note 4, at 256.


Similarly, investigators emphasize ethical obligations. Although social science researchers have codified ethical responsibilities, fact-finders hold foundational obligations, based on human rights principles, to end abuses, prevent additional harm to survivors, ensure the dignity of all information providers, and adopt a rights-based approach wherever possible. For example, methods of questioning that may harm victims or risk re-traumatizing them are rejected. Ethical obligations also have important consequences for communication and methodological strategies. Even when quantitative information arguably provides greater inference, investigators still hold a ‘responsibility to the story,’ which may militate against quantitative methods in some settings, or specific data presentations in others. Likewise, security concerns may limit sharing of important information, such as a survivor’s identifying characteristics. For example, in a 2010 report, AI indicates that the names and identifying details of interviewees have been omitted or anonymized for their protection. The commitment to empowering those most affected by violations also influences method selection. For instance, in a study of the right to water in Haiti, investigators adopted intentionally inclusive methods and empowerment strategies that paired know-your-rights information with household surveys.

These advocacy objectives and ethical considerations guide case and observation selection. Human rights investigators may begin their work with individual reports about a specific type of violation or a broad pattern of abuses. In either case, they tend to seek as many cases and observations as they can feasibly document in order to illustrate the violation—often through service providers, partner organizations, or their client base. This can stand in stark opposition to social science research—which often selects cases and observations in specified ways that permit valid inference. But sometimes the difference is not so stark; some fact-finders explicitly embrace sampling methods when possible. For example, researchers from the University of California - Berkeley and Tulane University conducted a survey of workers at randomly selected addresses in post-Katrina New Orleans to identify and assess the magnitude of abuses against workers of various ethnicities and nationalities.

Other human rights investigators, even if not consciously adopting a sampling method, frequently begin their research with the objective of documenting a pattern of abuse. Numerous 2010 reports by AI and HRW specify that interviews suggest broader experiences—at least for those similar to the interviewees. In such instances, fact-finders may seek cases that illustrate such issues as the range of abuse, type of victim, identity of perpetrators, and motives for the violations. Many of these elements have a legal valence. In investigating police torture, for

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104 For example, in the United States, most academic scholars must submit protocols for research involving human subjects to an Institutional Review Board within their educational institutions.


109 This is not exclusively true. As described in the next section, data collection strategies often depend on the particular fact-finding objectives.


example, a researcher may document whether victims are predominantly from a specific ethnic group, which might indicate discriminatory behaviors. As investigators collect additional information, an organization may be able to more readily identify patterns. For example, in a 2010 report, AI argues, even though it was unable to conduct interviews in all relevant areas, ‘the testimonies from the areas covered in this report are emblematic of general patterns and trends of the human rights situation in’ the entire region. As desires to make this kind of statement create incentives for AI and HRW to strengthen the inferential logic that undergirds such claims. In recent years, fact-finders have begun to attend more explicitly to minimizing selection bias by adopting explicit case selection procedures. For example, in a 2010 report, HRW investigating prison conditions chose to interview prisoners who represented a range of demographic factors present in the prison population. In other instances, investigators have explicitly narrowed their focus to the ‘most troubled’ case—thereby drawing detailed conclusions based on periodic observations over multiple years.

Similar to social science researchers, fact-finders clarify investigative questions and formulate contextual hypotheses. Although these steps are not always addressed within reports, they are implicit in the fact-finding process. Due to their instrumental orientation, investigators formulate research questions to reinforce advocacy objectives. For example, an investigator who envisions a legal advocacy campaign will likely inquire about violations of a specific legal right or protection. Likewise, investigators commonly hypothesize—often based on contextual experience and knowledge—that specific groups are likely to face rights violations and certain individuals are likely to act as perpetrators. Yet the implicit nature of these processes may translate into lost opportunities to explore alternative constructions of research questions and hypotheses. Formulating queries that are specific and concrete—narrowly framed, clearly observable—and potentially disprovable, may strengthen the perceived objectivity of fact-finding reports—even if they emerge after some evidence has been collected. For example, in a 2014 report, B’Tselem implicitly questions whether restrictions on travel between Gaza and the West Bank have disrupted the right to family life under international law—hypothesizing that women have been particularly affected.

Likewise, fact-finders draw descriptive inferences. Although the methodological orientation necessarily depends upon the advocacy objectives and ethical obligations associated with a given situation, investigators often search for examples of rights violations within a given population, and less often, will draw estimates about the prevalence of rights violations for a total population. For example, in a 2012 annual report on human rights in Bangladesh, the human

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113 See Todrys et al., supra note 43, at 2 (discussing HRW investigation).
115 For example, a researcher with a concern for water rights may focus on whether an individual within a given geographic area has access to 20 liters of water per day, in accordance with minimum requirement established by the World Health Organization. See Center for Human Rights and Global Justice et al., *Woch nan Soley* (2009), at 34.
116 For instance, the same researcher with a concern for water rights may hypothesize that foreign government officials have blocked international loans to provide water for specific cities or regions. See ibid., at 10-14.
117 As human rights investigators increasingly rely on social scientific tools, it is likely that they will confront a trade-off between the breadth and depth of inquiry—as described in the next section.
119 Langford and Fukuda-Parr, supra note 101, at 223.
rights organization Odikar compiles a wide range of descriptive data on the types of extrajudicial killings and torture incidents during the previous year. While some investigations draw descriptive inferences explicitly based on scientific standards, many reports do not explicitly mention these standards and some appear to violate them. Most of the 2000 and 2010 reports by AI and HRW do not describe a sampling strategy, making it difficult to assess even limited inferences. For example, in a 2010 report, AI makes the following statement without clarifying the inferential logic: ‘Most refugees, asylum-seekers and migrants, particularly those from sub-Saharan Africa, never feel secure in Libya.’ Many other reports generally refer to ‘most’ individuals within an affected group. For instance, in a 2010 report, AI concludes: ‘research reveals that for most asylum-seekers these rights are not respected in reality.’

In conjunction, human rights investigators also make causal or explanatory inferences. Human rights fact-finders often search for evidence that pertains to issues ranging from individual responsibility to circumstantial vulnerability to a rights violation. Causal inferences are often implicitly included in reports that link findings concerning specific victims’ experiences to particular laws, policies, or practices. They may also be implicit in organizations’ recommendations—which are often based on a belief that specific actions to alter the underlying causes of violations can lead to improved outcomes. For example, in a 2013 report, the South African Legal Resource Centre ‘explore[s] the connection between xenophobic sentiment, sexual violence and the impact it has on the lives of foreign women in South Africa.’ Although social science-based rules concerning which methods are appropriate for specific forms of inference may be overly restrictive in many human rights settings, careful attention to the kinds of data and analysis that might support causal inference are increasingly relevant to fact-finding. Similar to social science, investigators may therefore seek to leverage case-based knowledge to create valid indicators, classify findings, and extract analytically relevant details. At the same time, human rights fact-finders bear a responsibility to account for unobserved causal factors and potentially spurious correlations—which can easily result when investigators only have access to a small number cases and a limited number of observations. These eventualities, in turn, may lead future fact-finders to further articulate research limitations and/or seek additional corroborating information.

Although social science audiences can prove narrow, human rights investigators frequently seek to share findings with audiences that have widely varying training and experience. As a result, investigators must often tailor findings to grassroots organizers, government policymakers, international advocacy networks, tribunals, the press, and the broader public—all at the same time.

124 Langford and Fukuda-Parr note that a human rights investigators increasingly feel pressure from other fields to make causal arguments. Langford and Fukuda-Parr, supra note 101, at 223.
126 Regardless of the objective, using ‘neutral, scale-able and externally verifiable methods’ can strengthen human rights fact-finding. Langford and Fukuda-Parr, supra note 101, at 223.
127 These are instances where investigators cannot randomly or intentionally select cases and observations.
time. In such cases, the form of communication will likely vary based on the most important target audiences. Whereas qualitative narratives may be appropriate for broad publicity campaigns, quantitative data points can provide ‘powerful … comprehensible, and simple snapshots of complex situations’ for policymakers. While these diverse audience characteristics separate social science researchers from human rights investigators, transparency principles may help human rights investigators to demonstrate the reliable and rigorous quality of findings. For instance, in a 2010 report, HRW includes a methodology section that identifies the repressive conditions under which fact-finding interviews took place and explains that investigators took specific steps to minimize the impact of these conditions, lending credibility to the report’s findings through transparency. Similarly, in a 2011 report, the Commonwealth Human Rights Initiative compiles documents on 33 district jails and 59 sub-jails based on numerous Right to Information requests to the Indian Government—but takes care to acknowledge: ‘the analysis and conclusions of this study are based on the assumption that the fullest information available with the jail was provided by the prisons.’ The report thus complements additional interview-based investigations.

In sum, social science research and human rights investigations share many common components. Furthermore, even as human rights investigations have distinct advocacy, ethical, and strategic objectives, it is possible to adapt common standards from social science to complement human rights fact-finding. In light of current debates over the role of emerging tools and methods for fact-finding, the following section explores circumstances in which certain qualitative and quantitative strategies are most likely to prove beneficial.

5. Available Tools and Methods for Analysis

For social science researchers and human rights fact-finders, common investigative components and standards necessarily form the foundation for making methodological decisions. In other words, research objectives guide analytical decisions within the context of common standards for reliable and rigorous inquiry. This section demonstrates that—as in social science—methodological decisions often depend upon the desired depth of explanation and breadth of application for the findings of a given investigation. This conceptual understanding can help human rights investigators to identify, optimize, and more transparently discuss methodological opportunities.

A. Social Science Methodologies

Social science researchers desire to contribute steadily—if only incrementally—to broader theoretical and empirical understandings of the world. Since a research project could make many different contributions toward this objective, researchers often select narrow research

129 Langford and Fukuda-Parr, supra note 101, at 223.
130 Freeman, supra note 50, at 99.
133 King, Keohane, and Verba, supra note 7, at 66-67.
questions that are designed to address missing information, perspectives, or explanations within an ongoing disciplinary debate.\textsuperscript{134} Narrow questions are also analytically beneficial because they allow researchers to develop specific and falsifiable expectations, collect concrete and detailed information, and select powerful and well-tailored methods—meaning that conclusions are as ‘precise and systematic as possible.’\textsuperscript{135} Despite infinite research categories, most social science research varies based on the desired depth of explanation and breadth of application.

\textbf{Figure 3: Social Science Objectives and Common Methodological Strategies}

\begin{figure}[h]
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\includegraphics[width=\textwidth]{figure3.png}
\caption{Social Science Objectives and Common Methodological Strategies}
\end{figure}

Depth and breadth can significantly affect methodological choices. On the one hand, the depth of questions varies along a continuum from highly descriptive to highly explanatory. Descriptive research aims to ‘extract the systematic features of a subject’\textsuperscript{136}—often by sifting data

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\begin{itemize}
\item[\textsuperscript{134}] Ibid., at 46.
\item[\textsuperscript{135}] Ibid., at 44.
\item[\textsuperscript{136}] Ibid., at 63.
\end{itemize}
from complex cases and organizing information into relevant classes.\footnote{Ibid., at 56.} Explanatory research aims to identify causal relationships—usually by identifying key explanatory variables and accounting for background variables.\footnote{Deeper explanation often implies a greater number of explanatory variables. Since experimental conditions are rarely replicable in the real world, social scientists must often seek to approximate these conditions by limiting variation related to background characteristics. See ibid., at 75-114.} On the other hand, the breadth of questions varies along a continuum from highly specialized to highly generalized. Specialized research focuses on a small number of cases—often by capturing nuanced facets of a particular circumstance. Generalized research attempts to describe or explain a large number of cases—often by identifying core variables or conditions that apply to many circumstances.\footnote{Ragin distinguishes ‘case-oriented’ and ‘variable-oriented’ research—arguing that the former challenges the latter. Ragin, ‘Turning the Tables: How Case-Oriented Research Challenges Variable-Oriented Research’, in H. Brady and D. Collier (eds), \textit{Rethinking Social Inquiry: Diverse Tools, Shared Standards} (2004) 123, at 123-138.} Figure 3 captures these two dimensions. It also identifies four conceptual objectives, suggests common data demands, and offers examples of quantitative and qualitative tools.\footnote{Figure 3 captures conceptual distinctions that are meant to capture most cases. Exceptions are possible.}

First, researchers may provide \textit{specific descriptions}. Even when non-theoretical in orientation, this process encompasses a key aspect of social inquiry.\footnote{Popper argued, ‘there is no such thing as a logical method of having new ideas.… Discovery contains an “irrational element,” or a “creative intuition.”’ Quoted in King, Keohane, and Verba, \textit{supra} note 7, at 14.} Specific descriptions favor qualitative data—such as interviews, focus groups, or participant observations—that offer detailed insights into a particular case. Quantitative data, however, provides general details related to within-case observations. From a methodological perspective, researchers utilize numerous qualitative tools, including ethnographic study. They also leverage quantitative tools, such as sample surveys.\footnote{Seawright and Collier, \textit{supra} note 63, at 273-313.} Although common standards are relevant, researchers often grant less attention to unknown variables—since there is less interest in explaining outcomes. Similarly, case selection is less problematic because researchers rarely wish to extrapolate.

Second, researchers may provide \textit{general descriptions}. As discussed above, a fundamental aspect of social inquiry involves using observed data to make inferences about unobserved information—even if researchers must form assumptions about unobserved information.\footnote{Ibid., at 8. Indeed, these assumptions can hinder inference.} Researchers collect information from a sample population to draw conclusions about a total population. In doing so, quantitative and qualitative data is often complementary. From a methodological perspective, researchers utilize inductive analysis to infer qualitative distinctions between different cases. They also rely more on quantitative tools—such as weighted surveys—to construct total population estimates.\footnote{Seawright and Collier, \textit{supra} note 64, at 273-313.} But data limitations and inferential standards are key. Researchers must account for unknown variables that may bias conclusions. They must also select representative cases when seeking extrapolation. Random sampling can sometimes address this problem.\footnote{Broader estimates are often impossible when the researcher lacks knowledge of total population characteristics.}

Third, researchers may provide \textit{specific explanations}. Developing and testing theoretical explanations is central to social inquiry.\footnote{King, Keohane, and Verba, \textit{supra} note 7, at 20.} Many projects aim to unpack causal relationships under...
certain circumstances. Researchers must therefore account for multiple explanatory variables while contextualizing analysis. A mixture of quantitative and qualitative is often desirable. From a methodological perspective, researchers may engage in process tracing—which involves careful, qualitative analysis of key causal steps. They may also utilize quantitative tools, such as matched pairs or similar cases, to account for unknown variables.148 Similar to general description, data limitations and inferential standards are especially important. Researchers must account for unknown variables that might bias explanatory conclusions. As with specific descriptions, case selection is less problematic because researchers select cases based on common characteristics—with less interest in broader applications.

Finally, researchers may provide general explanations. Many ambitious projects attempt to identify causal explanations that apply across time and cases. They consequently demand an extraordinary amount of information—which can be efficiently organized in qualitative form. Qualitative data can, however, provide useful illustrations and explanations—particularly for ‘outlier’ cases.149 From a methodological perspective, quantitative tools—such as multivariate regression models—capture variation. But qualitative researchers have also developed tools—such as comparative historical analysis—to assess complex relationships.150 Data limitations and inferential challenges152 nevertheless raise concerns over unknown variables and case selection procedures. There is also much division over proper specifications for statistical models—which has led some researchers to advocate for multi-method sequencing.153 To what extent are these methodological parameters relevant for human rights fact-finding?

B. Fact-Finding Applications

Human rights investigators aim to pose questions and obtain findings that bolster productive change. But they often confront severe data, time, and resource constraints—which can limit quantitative or qualitative methodologies otherwise available to social science researchers. Yet, as in social science, the investigative objectives still shape methodological decisions.155 When investigators pose precise questions and pursue systematic fact-finding, they often consider similar methodological options.

Again, depth and breadth can substantially affect methodological choices—with some adaptations for human rights investigations. On the one hand, the depth of questions also varies along a continuum from highly descriptive to highly explanatory. Although human rights investigators traditionally aim to identify and describe rights violations for public audiences,156

148 Seawright and Collier, supra note 63, at 273-313.
150 Seawright and Collier, supra note 63, at 273-313.
151 Many ‘large-N’ data sets comprise coded information from reports published by the media, governments, and human rights organizations. But they can contain biases because those with the greatest access to primary data about rights violations—governments—often hide, destroy, or falsify data related to such abuses.
154 Goldstein, supra note 3, at 614. Although social scientists often benefit from fewer time constraints, it is noteworthy that they also often face data and resource constraints.
155 Langford and Fukuda-Parr, supra note 101, at 223.
156 Neier, supra note 50, at 186-232.
investigators increasingly desire to obtain explanatory findings that can inform policymaking audiences. The breadth of questions also varies along a continuum from highly specific to highly general. Figure 4 captures and expands upon these two dimensions.

Figure 4: Fact-Finding Objectives and Adapted Methodological Strategies

First, investigators may provide information about specific rights violations. Identifying rights violation examples is one of the most longstanding fact-finding goals. This process typically favors qualitative data collection, especially testimonial and forensic data—which reflects the community’s commitment to the ‘story’ and the empowered survivor. At the same time, fact-finders have begun to integrate quantitative data based on systematic collection of many individual cases. For example, The Human Rights Commission of Pakistan has tracked the names and dates

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157 There is also pressure from methodological advancements in related fields, such as health and development.

158 Gready, supra note 32, at 189.
of all persons reportedly disappeared from Balochistan since 2000. From a methodological perspective, fact-finders leverage existing expertise in conducting interviews with individuals affected by human rights violations. Content analysis—which can aggregate data from many interviews or focus groups—may allow investigators to identify common themes across many interviews. As in social science, biases related to unknown variables and non-representative cases are less problematic in this instance. But investigators may struggle with balancing analytical interests against ethical obligations.

Second, investigators may identify the magnitude or prevalence of rights violations. Some fact-finders seek to use observable rights violations to make inferences about the broader scope of violations for a given population. Since systematic measures of violations—especially grave civil and political rights—are rarely available, this information can prove powerful. From a methodological perspective, researchers have successfully used random sampling in some cases, such as obtaining casualty estimates following conflict. Others have applied estimation methods to ‘found’ data sets, based on a methodology developed by Patrick Ball, to estimate ‘the magnitude and patterns of’ certain types of violations. Fact-finders can benefit from a combination of quantitative data to define the scope of violations and qualitative information to clarify the nature of those violations. For instance, to estimate Colombia’s compliance with gender equality norms under United Nations Resolution 1325, De Justicia tracked several key indicators, including female representation in parts of government. Human rights investigators have also sought to combine survey data with individual interviews in order to present a general picture of rights violations.

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161 This process can be done with the assistance of qualitative data analysis software, such as ATLAS.ti. Details are available at: http://www.atlasti.com/de/index.html.


163 In an online survey of rights advocates carried out by Joscelyn, Knuckey, Satterthwaite, Bryant, and Brown, approximately 25 percent of respondents used survey methods more than minimally; 29 percent used quantitative analysis of secondary data; and 28 percent used indicators. See ‘Mental Health Functioning in Human Rights Workers: Findings from an International Web-Based Survey’, Working Paper (2014).

164 Landman and Carvahlo, *supra* note 6, at 34; Goldstein, *supra* note 3, at 613-619.

165 For example, consider contentious debates over the number of civilians killed during the ongoing Syria conflict. See Cowell, ‘War Deaths in Syria Said to Top 100,000,’ *NY Times* (26 June 2013), available at: http://www.nytimes.com/2013/06/27/world/middleeast/syria.html.


168 De Justicia has begun to produce reports that pose more specific research questions. For example, see De Justicia, *supra* note 103.
violations—and have even used innovative multi-method tools, such as crowd-sourcing platforms, to collect reports of election violence. As in social science, however, prevalence estimates can be complex and contentious. For example, voluntary reporting systems provide information that is skewed by its voluntary nature, even when participants share similar characteristics with members of the broader population. Given the sensitive nature of rights violations, reliable violation estimates for a small sample—let alone an entire population—can be difficult to construct.

Third, investigators may aim to draw explanatory inferences, such as determining individual responsibility or explaining forms of vulnerability. There is a growing interest in broader explanations for human rights violations—which can assist investigators who aim to make policy recommendations that reduce vulnerabilities. From a methodological perspective, investigators may draw on quantitative tools, such as quasi-experimental designs, that allow them to compare similar cases. At the same time, quantitative tools cannot replace proven qualitative methodologies. Investigators are especially adept at making causal process observations—often scouring public records and making documentary requests that reveal direct links between perpetrators and violations. As in social science, investigators must nevertheless consider potential alternative explanations.

Finally, investigators may seek to explain circumstantial vulnerability. There is a growing movement in favor of explanatory efforts that transcend individual cases. It is now common to find policy and scholarly research that offers explanations for violations across many countries and multiple decades. There are some examples of this type of research in advocacy settings, which seek to identify and predict multiple dimensions of individual susceptibility to rights violations. A need to account for many cases and explanations favors quantitative data collection—including indicators. But quantitative information—such as unexpected instances where rights violations are not evident—can provide enormously useful information for investigators seeking to identify policy recommendations. For example, Map Kibera developed a

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169 See, e.g., Physicians for Human Rights, Stateless and Starving: Persecuted Rohingya Flee Burma and Starve in Bangladesh (2010), at 6, 15 (combining survey data from a purposive sample of 100 households with in-depth interviews with 25 refugees and additional key informants).

170 A prominent example is the Ushahidi platform, which allows for information collection, visualization, and mapping. Further details are available at: http://www.ushahidi.com/. It should be noted that there is a good deal of controversy over the usefulness of crowd-sourcing and its potential to be seen as something other than a convenience sample.

171 Such systems are necessarily anonymous and incident reports are therefore difficult to verify.

172 Advanced quantitative techniques have been used to identify responsibility for war crimes before international tribunals. One example is Multiple Systems Estimation. For a detailed discussion, see Lum, Price, and Banks, ‘Applications of Multiple Systems Estimation in Human Rights Research’, 67 The American Statistician (2013) 191.

173 Langford and Fukuda-Parr, supra note 101, at 225.

174 For example, an investigator may hypothesize that a government official from a given ethnic group restricts basic resources from districts with citizens from a different ethnic group. A quasi-experimental design might compare resource distributions to two districts that are very similar, except for their ethnic composition—before and after the official came to power.


176 This effort has been possible due to the creation of several time-series datasets that measure general human rights trends. The Cingranelli-Richards (CIRI) Human Rights Dataset is one of the most widely utilized datasets. For further details, see: http://www.humanrightsdata.org/.

177 See, e.g., Global Justice Clinic/Center for Human Rights and Global Justice, Yon Je Louvri, supra note 55 (using quantitative household survey data to identify factors increasing vulnerability to sexual violence).
grassroots-based delineation of health, security, education, water, and sanitation vulnerabilities in a major Nairobi, Kenya slum. From a methodological perspective, some of the most pragmatic quantitative tools involve reporting variance estimates and conducting significance tests—in order estimate accuracy for key findings. Yet human rights investigators may also adopt qualitative tools from social science that identify necessary and sufficient conditions for human rights violations. Ultimately, these methodologies favor investigators who have sufficient time and resources to account for unknown variables and alternative cases.

In sum, social science researchers and human rights investigators must confront similar questions when selecting data, tools, and methodologies. Both must carefully consider the objectives of the investigative endeavor and determine strategies by which to make valid inferences. Yet existing social science conventions do not provide a perfect model for human rights investigators—who will likely need to adapt existing conventions to practical fact-finding challenges. The final section briefly considers these realities.

6. Adapting Social Science Methods for Human Rights Realities

Common principles, components, and methodologies can guide investigative decisions. But conceptual social science ideals and practical human rights realities often diverge, meaning that social scientific conventions will not be appropriate for all human rights environments. Human rights fact-finders face two especially important challenges that can limit methodological opportunities—data limitations and resource constraints. Although the fact-finding community may draw lessons from multi-method approaches in social science, this section underscores a need for fact-finders to increasingly identify, share, and reflect upon promising strategies.

A. Data Limitations

Human rights fact-finding has traditionally used qualitative methods almost exclusively. Case-based research has focused on giving voice to those targeted for violations. Investigators increasingly seek quantitative measures to monitor violations, clarify responsible individuals, and improve policy recommendations. In comparison to qualitative data, quantitative data can help investigators refine measurements, test statistical significance, compare varying cases, and consider many possible explanations. Yet quantitative measures of violations are not always accessible or desirable. First, some rights violations are more readily observable than others. Data about highly charged, clandestine, and often unlawful acts like torture or extrajudicial execution

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179 It is common for policy-oriented academic studies to report both 95 percent confidence intervals as well as p-value estimates along with data findings. Some human rights reports have done the same. See, e.g., International Human Rights Law Clinic, supra note 121; Global Justice Clinic/Center for Human Rights and Global Justice, Yon Je Louvri, supra note 55 (both adopting this approach).
180 Ragin has developed Qualitative Comparative Analysis that follows an analytical induction strategy. It tends to favor, however, research with a relatively small number of cases. See Ragin, supra note 139.
181 Langford and Fukuda-Parr, supra note 102, at 225.
are, by their nature, incomplete and fraught with inaccuracies. Second, in most cases, investigators must take care to identify ‘relevant aspects of “human rights”’ for measurement. Indeed, there are extensive debates over the positive and normative content of human rights, making the construction of metrics more than a technical exercise. Third, even when investigators can resolve definitional issues, data on human rights issues ‘necessarily will be “lumpy,” biased and incomplete.’ While this is especially true in relation to civil and political rights, data sets relevant to economic and social rights are often missing key variables. Efforts to create—or simply curate—data sets often require significant time and resources. Finally, human rights advocates correctly worry about the gap between global and local perceptions of technical measures. Even transnational measures must reflect ‘the lived experiences of real people under a variety of social, economic, political and cultural conditions.’ Despite these challenges, investigators need not wholly abandon this pursuit. They must instead seek to identify certain fact-finding objectives and circumstances that are well suited for quantitative data and tools—while still highlighting qualitative perspectives.

**B. Time and Resources Constraints**

Investigators must make difficult trade-offs when choosing potential objectives and strategies. Given time and resource constraints, fact-finders should face these trade-offs openly and make decisions based on specific fact-finding objectives. Although human rights investigations can achieve multiple objectives, rigorous and reliable methodologies often require a narrow scope of investigation. First, investigators must consider descriptive or explanatory objectives. Each has limits. Descriptive investigations can irrefutably expose a significant rights

183 Goldstein, supra note 3, at 615-617.
184 Langford and Fukuda-Parr, supra note 101, at 223.
186 Rosga and Satterthwaite, supra note 4, at 288-304.
187 Landman and Carvahlo, supra note 6, at 34.
188 For example, while extensive household-level data exists for certain elements of the right to water (e.g., such as accessibility and availability), it is missing for other elements (e.g., quantity and quality). See Langford and Winkler, ‘Quantifying Water and Sanitation in Development Cooperation: Power or Perversity?’, Harvard School of Public Health Working Paper Series (2009), available at: http://fxb.harvard.edu/wp-content/uploads/sites/5/2013/09/Langford-and-Winkler_Final-Working-Paper-92413.pdf.
189 Landman and Carvahlo identify four primary ways that human rights investigators organize data: (1) events-based observations; (2) standards-based indicators; (3) survey-based measures; and (4) socioeconomic and administrative statistics. Landman and Carvahlo, supra note 6, at 36-40.
190 See International Human Rights and Conflict Resolution Clinic and Global Justice Clinic, supra note 102, at 43-54 (providing an extensive analysis of the sources, methods, and limitations of several aggregators of data pertaining to U.S. drone strikes).
191 Goldstein cautions, ‘Even if problems of access and definition can be solved, enormous difficulties remain. Valid longitudinal or comparative work will typically require tediously applying definitions concerning human rights abuses to incident after incident; one cannot work with already processed data available from different sources using different definitions.’ Goldstein, supra note 3, at 619.
192 Landman and Carvahlo continue, ‘We must not lose sight of the fact that measurement is not an end in itself, but a tool with which to help people.’ Landman and Carvahlo, supra note 6, at 131.
193 Langford and Fukuda-Parr, supra note 101, at 238 (acknowledging ‘the need for a broad evidence base’).
194 The trade-off between breadth and depth of application is similar to the ‘intensiveness’ and ‘extensiveness’ trade-off offered in Landman and Carvahlo, supra note 6, at 35.
195 De Justicia has begun to produce reports that pose more specific research questions. See, e.g., De Justicia, supra note 103.
problem, but may not be able to rigorously evaluate possible policy solutions. Explanatory investigations may persuade technically-oriented policymakers, but may fail to garner significant attention from the general public. Second, investigators must weigh specific and general contributions. Specific case investigations can capture nuances of a particular violation and location, but may offer few broad-based insights. General investigations may speak to transnational audiences, but may fail to articulate issues in ways that are meaningful for grassroots activists. Finally, when considering both the depth and breadth of application, investigators ultimately confront short-term and long-term goals. Although a complex research design can favor comprehensive understandings of rights violations and identified multi-faceted reforms in the long-term, a more narrow effort may favor targeted reforms in the short-term.

C. Methodological Trade-Offs

A final set of trade-offs relates to the optimal tools for answering certain investigative questions. In many cases, as the desired depth of explanation and breadth of application increases, the relative advantages of qualitative, quantitative, and mixed data sources changes. This reality poses important methodological considerations. On the one hand, qualitative tools may favor thick descriptions of a specific case, but may fail to provide complete explanations across many cases. On the other hand, quantitative tools may favor thin explanations for many cases, but may fail to convey a tangible understanding for a given rights violation. In spite of these distinctions, fact-finders facing time and resource constraints may find that there are advantages to using a mixture of quantitative and qualitative tools. Goldstein summarizes, ‘What is needed is a combination: statistical information where it is meaningful and reliable, nonstatistical information where it is also meaningful and reliable, and judgment too.’

Although there is relative consensus on the benefits of multi-method strategies, investigators must find the appropriate balance in light of the specific fact-finding objectives. Three multi-method strategies from social science may help to inform fact-finding decisions. First, qualitative findings can inform quantitative analysis. After a detailed qualitative examination of causal relations within a subset of cases, investigators may use quantitative data analysis to establish similar patterns across a wider range of cases. Second, quantitative findings can inform qualitative analysis. Investigators may examine general patterns within quantitative data—and use those patterns to identify specific cases or circumstances that are amenable to detailed qualitative

197 This a key reason that fact-finders often begin investigations with a focus on advocacy objectives. There is also a trade-off between research scope and logistical viability. Landman and Carvahlo, supra note 6, at 29.
198 The argument is not that qualitative tools cannot provide complete explanations; rather, the argument is that there are advantages in certain cases. Yet even in these cases, quantitative tools will rarely—if ever—wholly replace qualitative tools. Langford and Fukuda-Parr, supra note 101, at 238 (‘[q]ualitative methods tend to be critical at all stages in the use of quantitative methods for human rights’).
199 In spite of certain limits, quantitative human rights datasets have improved. See Landman and Carvahlo, supra note 6, at 127.
200 Goldstein, supra note 3, at 627.
201 For instance, Freeman demonstrates that ‘[t]echnical differences in statistical methods can … lead to different substantive conclusions.’ Freeman, supra note 49, at 142.
202 Ibid., at 175-176.
research. Third, quantitative and qualitative methods may simultaneously allow investigators to ‘triangulate’ accurate findings. Investigators may use quantitative and qualitative methods to study the same questions at the same level of analysis—allowing each method to confirm or disconfirm the other.

In sum, insights from social science research can help human rights investigators to fully consider the impacts of the inevitable data limitations they face and the methodological trade-offs that accompany their work. There are many opportunities to develop standards for identifying limitations, managing trade-offs, and maximizing fact-finding success for this emerging discipline. Social science provides a preliminary roadmap for this endeavor.

7. Moving Toward Common Standards for the Fact-Finding Community

Human rights fact-finders pursue difficult investigative questions under some of the most challenging conditions. An emerging trend to embrace and adapt methodologies akin to those of social science is not surprising in light of the demand for rigorous and reliable evidence in policy and decision-making settings. This shift has produced significant debate over the appropriate data and tools for fact-finding endeavors. Although these debates are worthwhile, this chapter argues that they nevertheless neglect a foundational question for the fact-finding community: as human rights investigators increasingly rely on social science data and tools, to what extent do—and can—they follow the same disciplinary standards that guide and constrain social science researchers? This chapter demonstrates that human rights investigators already use many of the same principles, components, and methodologies that are common in social science research. They do so in a field where researchers have varied training and expertise, and where the logic of inference competes with the logic of persuasion. What is missing are venues and opportunities for searching discussions among human rights practitioners about how common social science practices may help to complement existing fact-finding strategies, and when they may not be appropriate. For example, might human rights fact-finding reports be more persuasive if they were more transparent in setting out their hypotheses, choice of methods, sampling strategies, and basis for recommendations? Would they be more credible and persuasive if they articulated and hewed to an overt logic of inference while not abandoning the ‘responsibility to the story’? This chapter suggests that the human rights community should more fully articulate its own standards and procedures while looking to allied fields for guidance on valid rules of inference, standards for reliable data, and help with methodological choices. Increased transparency about methods, research procedures and limitations, as well as increased attention to the evidence base for conclusions and recommendations, will ultimately support the human rights fact-finding community by ensuring its credibility and reliability.

203 This is also called ‘nested’ analysis. See Lieberman, supra note 153. Tarrow similarly suggests focusing qualitative research on quantitatively observed ‘tipping points.’ Tarrow, ‘Bridging the Quantitative-Qualitative Divide,’ in H. Brady and D. Collier (eds), Rethinking Social Inquiry: Diverse Tools, Shared Standards (2004) 171, 175-176.

204 Tarrow argues, ‘Triangulation is particularly appropriate in cases in which quantitative data are partial and qualitative investigation is obstructed by political conditions.’ Ibid., at 178. For a fact-finding application, see Human Rights Watch, In Harm’s Way: State Response to Sex Workers, Drug Users, and HIV in New Orleans (2013) (using a ‘mixed-method approach that combined quantitative and qualitative interviews with key informant interviews and legal and policy analysis’).