

CALL FOR PAPERS

Evidentiary regimes of UN Treaty Bodies: Perspectives from research and practice

Ghent, 15-16 May 2023

Confirmed Speakers

Hilary Gbedemah (CEDAW member and former chair)

Hanaa Hakiki (Litigator, European Center for Constitutional and Human Rights)

Miia Halme-Tuomisaari (Anthropologist, Human Rights Studies, Lund University)

Octavian Ichim (Human Rights Officer at the UN, OHCHR Petitions and Urgent Actions Section)

Diego Rodríguez-Pinzón (Professor and Co-Director of the Academy on Human Rights and Humanitarian Law, at American University-Washington College of Law; former CAT member)

The UN Treaty Bodies play an important and rather exceptional role for victims of human rights violations who wish to seek justice and have their claims validated beyond the domestic level. However, compared to regional human rights courts and commissions, their role has been under-researched. This symposium brings together academics and practitioners interested in reflecting on the ways UN Treaty Bodies address issues of evidence, including:

- What role do evidentiary rules and practices play in the work of UN Treaty Bodies?
- How do these Bodies' members, as well as victim organisations, states, individual authors and other actors, experience and conceive of the collection, use and adjudication of evidence?
- How is the evidentiary inequality of arms between the parties handled?
- How might evidentiary issues influence the litigators' choices to approach (or not) one UN Treaty Body as opposed to another forum, and with what consequences for strategic litigation?
- When are facts considered settled and does any remaining uncertainty favour one party over another?
- What can we learn from the treatment of evidence before UN Treaty Bodies for a broader discussion on the role of evidence in addressing truth and power in international human rights adjudication and/or beyond?

Organising Committee

Marie-Bénédicte Dembour (DISSECT), Cornelia Klocker (DISSECT) & Deborah Casalin (University of Antwerp)

Deadline for abstract submissions

15 November 2022



EVIDENCE IN
INTERNATIONAL
HUMAN RIGHTS
ADJUDICATION
ERC - UGENT



European Research Council
Established by the European Commission



Evidence is:

- “one or more reasons for believing that something is or is not true” ([Cambridge Dictionary](#))
- “That which manifests or makes evident ...” ([Oxford English Dictionary](#))
- “something that furnishes proof ... specifically: something legally submitted to a tribunal to ascertain the truth of a matter” ([Merriam Webster Dictionary](#))

The various ways in which evidence is produced, admitted, examined and used play a significant role in fact-finding and truth seeking, and thus in the process of accessing and delivering justice. This is true, in particular, for the UN Treaty Bodies which rely on the factual claims of the parties, typically an individual and a state, who almost by definition occupy very unequal positions.

In our quest to understand the formal and informal rules and practices which govern the treatment of evidence in this particular institutional context, we invite contributions from researchers (including early career), practitioners (broadly defined, including a range of civil society actors), and others with experience relevant to issues of evidence in the UN Treaty Bodies context.

We welcome both legal (e.g. doctrinal, comparative, theoretical, critical) and interdisciplinary perspectives (intersecting with or firmly grounded in e.g. ethnographic, sociological, or political theory approaches). We are interested in ‘narrow’ and ‘broad’ questions, whether they explore the current state of the art, past practice, or future trajectories.

Although we do not wish to be prescriptive about the thematic focus of the contributions, as an indication, these could engage with one (or a combination) of the following:

- UN treaty bodies (e.g. HRC, CAT, CESCR, CEDAW, CRC, CERD) and special procedures which can be considered broadly similar (e.g. Working Group on Arbitrary Detention)
- Legal principles (e.g. burden of proof, standard of proof, equality of arms, no fourth instance principle, doctrinal (in)consistency, inquisitorial v adversarial features, ...)
- Types of human rights violation (relating to, e.g., detention, enforced disappearance, migration, the environment, racial discrimination, indigenous peoples, counter-terrorism, ...)
- Forms of evidence (e.g. witness statements, third-party interventions, digital open sources, ...)
- Socio-legal issues (e.g. proactivity or otherwise of key actors, costs, impact of technology, ...)
- Societal or philosophical considerations (related to, e.g., uncertainty, truth, power, ...)

Ultimate aim

The symposium is intended as a basis for developing a high-quality open-access publication on the evidentiary regimes of UN Treaty Bodies, envisaged to serve as an authoritative reference work in the field. After the symposium, selected authors will be kept informed about the publication process, including deadlines for revised drafts and final text.

Forms of participation

The symposium will be held in person on 15–16 May 2023 in Ghent, Belgium. Up to 20 speakers will be invited.

Most contributions are expected to fit the conventional academic paper format (about 9,000 words and 20-minute oral presentation). However, we are keen to accommodate different participation formats if this better suits some participants with valuable experience. This could, for example, lead to the publication of a post on the [DISSECT blog](#) or an invitation to a conversation in the DISSECT’s [Talking Evidence](#) series. We may also be in a position to suggest the pairing of potential co-authors, e.g., bringing together different disciplinary backgrounds or academics and practitioners. If you are potentially interested in a less conventional format, please let us know.

Participants' travel and accommodation costs will be covered in line with ERC policies. We express a strong commitment to equality, diversity and inclusion and will aim at providing additional or other support measures relating to e.g. childcare or disability if needed.

How to apply

Please send one pdf file to dissect.erc@ugent.be by 15 November 2022. Use the headline "UNTB symposium: abstract submission" and include the following information:

- Title of submission
- Abstract (500 words)
- Short biography (200 words)
- Contact details

In order to promote participation, the organising committee is open to being contacted in advance of the deadline so as to give an early reaction to preliminary ideas of contribution.

Timeline

- Deadline for submission of abstracts: 15 November 2022
- Invitation of selected participants: 15 December 2022
- Deadline for submission of draft academic papers (at least 3,000 words): 1 April 2023
- Symposium: 15–16 May 2023

Contact

Do not hesitate to contact us by e-mail at dissect.erc@ugent.be using the headline "UNTB - info".

We are looking forward to your submissions!

This symposium is part of the DISSECT project led by Prof. Marie-Bénédicte Dembour which investigates evidence in international human rights adjudication. DISSECT is a Horizon 2020 project funded by the European Research Council. It is based in the Human Rights Centre of Ghent University. See <https://dissect.ugent.be/>