



A look at the achievements of the truth-seeking process in promoting and developing human rights and international humanitarian law

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Abstract

Truth-finding institutions and missions have been established to investigate serious violations of human rights and humanitarian law. Fact-finding is of vital importance because it can have a significant impact on subsequent criminal prosecutions for human rights violations as well as war crimes and other international crimes, which in turn will ultimately affect the victims of these crimes. The present study, using a descriptive-analytical method and examining resolutions, declarations, legal documents, and opinions of international courts, attempts to determine what impact fact-finding has had on the promotion and development of human rights and humanitarian law. Finally, the findings of this study indicate that the truth-finding process has had many achievements in the fields of human rights and humanitarian law, especially monitoring and treaty mechanisms.

Keywords: Truth-finding, human rights, humanitarian law, international crimes, monitoring mechanisms and treaties

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Introduction

The internationalization of human rights and the humanization of international law began with the creation of the United Nations. The Charter of the United Nations gave rise to global movements in which states, international organizations and non-governmental organizations are the main actors in the growing effort to monitor the role that the international community should play in the development and protection of human rights. It gradually became established in the thinking of humanity that the issue of protecting human rights does not tolerate any international boundaries and that the international community is committed to ensuring that states respect and protect human rights.

Fact-finding missions have been established by different institutions and under different, diverse and numerous circumstances, with geographical dispersion. These missions can be reviewed based on various criteria, including the institution that authorized their establishment, the scope of their mission and their results. The organs of the United Nations are the main source of international fact-finding processes.

It should be noted that this research, considering that in its conduct, a collection of legal documents such as treaties, resolutions, declarations, as well as decisions issued by international courts, as well as reports of fact-finding institutions, have been examined and studied, its main focus is on the effectiveness and role of the procedures of these fact-finding institutions in the field of promoting and developing human rights

and international humanitarian law. In other words, the important issue is the achievements of the truth-finding procedure in the development and advancement of human rights and humanitarian law and preventing violations of these rights. The main goals for establishing facts in international law include goals such as creating a basis for the peaceful settlement of international disputes, monitoring the implementation of international agreements, and providing the information needed for decision-making at the international level in accordance with Article 34 of the United Nations Charter. The challenges facing the United Nations with its member states due to severe violations of human rights and humanitarian law, both outside its borders with other countries and within its borders with its own citizens, necessitate this research, so that by promoting and developing human rights and international humanitarian law, any situation or dispute that may endanger international peace and security, as well as lead to violations of human rights and impair their most fundamental rights, can be prevented and prevented by establishing monitoring and treaty mechanisms.

1. The role of the United Nations in promoting and developing human rights and humanitarian law

In implementing Article 13, paragraph 1, subparagraph (a), of the Charter of the United Nations, the General Assembly of the United Nations has taken certain steps towards the progressive elaboration and development of international law. At present, the activities of several organs within the United Nations are in some way connected with the process of the progressive elaboration and development of international law.

The other principal organs, and subsequently their subsidiary organs, have played a very important role in the promotion and development of human rights and humanitarian law, which will be examined here as appropriate.

1.1 United Nations General Assembly

The General Assembly is the key element in the initiative to study, formulate and develop human rights and humanitarian law, which has taken many steps in the process of promoting and developing human rights and international humanitarian law, including:

Rulemaking through formulation and development: The General Assembly has had significant successes in the field of human rights and, in accordance with Article 22 of the Charter and 161 of its internal regulations and if deemed necessary, has the right to establish subsidiary bodies, which have established various subsidiary bodies in order to protect human rights and international humanitarian law.

Rulemaking by holding world conferences: Holding world conferences and drafting human rights documents such as the 1993 Vienna Conference, the World Conference on Women's Rights, especially the 1995 Conference in China, the World Summit for Children on 29-30 September 1990, the United Nations Conference on Environment and Development on 3-4 June 1992 in Rio.

Rulemaking through the issuance of declarations and resolutions: Since the beginning of its activities, the General Assembly has issued declarations and resolutions in the field of human rights that are very important, such as: a) Universal Declaration on the International Crime of Genocide, 1946. b) Declaration on the Elimination of Discrimination against Women, 1963. c) Declaration on the Elimination of All Forms of Racial Discrimination, 1963. d) Declaration on the Rights of the Child, 1959. e) Universal Declaration of Human Rights, 1948.

2.1 International Law Commission

The International Law Commission, as a subsidiary organ of the General Assembly and in accordance with Article 13 of the Charter of the United Nations, whose mission is the progressive development of international law, has prepared treaties under the title of progressive development that have a human rights aspect, such as: a) Conventions on the Prevention and Punishment of the Crime of Genocide, which was unanimously adopted by the General Assembly at its third session in resolution A(III) 260 on 9 December 1948 and entered into force on 12 January 1951. According to this Convention, all member states confirm that genocide is an international crime under international law and undertake to prevent its

commission in time of peace and war and to punish its perpetrators. b) Drafting the text of the Statute of the International Criminal Court, which, with the entry into force of the Statute of the Court in 2002, the permanent International Criminal Court was officially formed for the first time in the history of mankind and was determined to investigate the international crimes of genocide, crimes against humanity, war crimes and crimes of aggression. c) Other conventions, including the Statute of the United Nations High Commissioner for Refugees in 1950, the Convention relating to the Status of Refugees, the Convention relating to Statelessness in 1954 and the Declaration on Territorial Asylum.

2.2 Human Rights Council

The Human Rights Council, which is a quasi-permanent body of the United Nations and acts in the direction of the development of human rights and humanitarian rights. As the most important body in the field of development and promotion of human rights and humanitarian rights, the Human Rights Council, which has no mission other than the protection and promotion of human rights, has a norm-setting, monitoring and reporting function, which we will discuss below.

Regulation and norm-setting: One of the most important actions of the Human Rights Council, like its predecessor, is the issue of regulation and norm-setting. Such as: a) Convention on the Protection of All Enforced Disappearances. b) Declaration on the Protection of the Rights of Indigenous Peoples 2007. c) Optional Protocol on the Reception of Complaints Related to the Economic, Social and Cultural Covenant 2013. d) Protocol on the Effective Implementation of the Convention on the Rights of the Child.

Reporting and Missions: Here we present the most important thematic missions of the Council. Investigating the plight of the African people, promoting a just international order, international environment, extrajudicial executions, arbitrary detentions, enforced disappearances and the sale of children.

Universal Periodic Review: which significantly contributes to the globalization of human rights values and reduces the conflict of cultural values. The Universal Periodic Review is a procedure and procedure in the Human Rights Council that is considered a non-compliance procedure and not arbitration and justice, and has been used in the fields of human rights and humanitarian law and many other areas in recent decades.

3. Security Council

There are two different views on the competence of the Security Council to investigate issues related to human rights violations, which arise from the doctrine of the unlimited competence of the Security Council and its opposing theory. The Council's actions on human rights range from the Council's inaction on the one hand to the issuance of press statements, presidential statements, political resolutions, advisory resolutions and finally sanctions resolutions under Chapter VII of the Charter. Some of the Security Council's actions on the promotion and development of human rights and humanitarian law include: a) The situation in Southern Rhodesia, which the Council considered a threat to international peace and security. b) Resolution 688 of 5 April 1991 against Iraq. c) Resolution 770 of Bosnia in 1992. d) Resolution on Rwanda in 1994.

3.1 International Court of Justice

The Court's jurisprudence, despite its interpretations and theoretical position in the Statute and Charter of the United Nations, has taken effective steps in practice and towards the development and regularization of the international legal system in general and the global system of human rights and humanitarian law in particular. Some of the decisions issued by the Court towards the development of human rights and humanitarian law include: a) Applying the right to reservations to the Convention on the Suppression of Mass Murder (Genocide). b) The Court's advisory opinion in the South West Africa (Namibia) case. c) Recognition of international legal personality by the United Nations in the advisory opinion of April 1949 (Count Bernadotte case).

4. The goals and functions of fact-finding in the promotion and development of human rights and humanitarian law

The concept of truth-seeking:

The concept of truth-finding, as explicitly and clearly inferred from its wording, is to shed light on the hidden and latent dimensions of what has occurred, as well as to obtain detailed and direct information about events and disputes. In the field of international law, considering the range of events, crimes, and violations of human rights and humanitarian rights by rulers and governments towards other countries or towards their own citizens, as well as terrorist acts by groups and militias, and the disregard for the rights of women, children, and other citizens within the borders under their control, or the invasion of the territory of other countries, and the carrying out of terrorist acts and the killing of women and children, which are clear examples of genocide, war crimes, and crimes against humanity, the concept and correct understanding of fact-finding, in view of its sublime goal of preventing violations of human rights and humanitarian rights, and also in line with the main goal of the United Nations Charter, which is to maintain international peace and security, can be explained as follows: "Any activity that the United Nations and its competent bodies carry out to obtain accurate and clear information about the facts that have occurred at the level of the international community and that is needed."

The goals and functions of truth-seeking:

The main objectives of fact-finding in international law are: 1. To establish a basis for the peaceful settlement of international disputes; 2. To monitor the implementation of international agreements; 3. To provide information needed for decision-making at the international level in accordance with Article 34 of the Charter of the United Nations. The first objective is limited and refers to the investigation as a specific procedure in cases where disagreements on factual issues give rise to a dispute between the parties. The rules for such investigations were first developed at the Hague Conference of 1899 and subsequently developed by the Hague Conference of 1907. The second objective of fact-finding is to monitor the implementation of international agreements in order to ensure the implementation of international obligations. Specialized agencies of the United Nations as well as other global or regional bodies are involved in this type of fact-finding. This function has expanded in recent decades to include more general fact-finding aimed at proving violations of human rights and humanitarian law enshrined in various treaties and customary international law. Finally, for the purposes of Article 34 of the UN Charter, there is fact-finding, a case that confirms the power of the Security Council to investigate any situation or dispute that may endanger international peace and security.

5. Achievements of truth-seeking in the field of promoting and developing human rights and humanitarian law

Fact-finding missions and commissions of inquiry are mandated to investigate human rights situations or humanitarian law implications. Fact-finding missions and commissions of inquiry have a wide range of tasks and are established to investigate both specific incidents and ongoing situations. The common objectives of any commission of inquiry are several, including: a) to determine impartially whether violations of international human rights or international humanitarian law have occurred; b) to examine whether violations are systematic and widespread; c) to report on a State's ability to respond to violations; d) to highlight the root causes of the situation; e) to suggest ways forward; and f) to provide a record of events. These objectives of commissions of inquiry should be aimed at promoting accountability for violations that have occurred, as well as helping to ensure that those responsible are held accountable. One of the important tasks of any commission of inquiry is to analyze the available facts in relation to the applicable law, so it is crucial that a commission can independently and freely conduct field investigations to establish the facts for itself. As to whether a commission will address international human rights law or international humanitarian law or both, it is clear that in situations of armed conflict it would be difficult to consider one and not the other, so most commissions of inquiry consider both, although the mandate may determine what specifically should be assessed.

Fact-finding is playing an increasing role in the international community's efforts to establish disputed facts and investigate violations of international law, in particular human rights and humanitarian law. The proliferation of fact-finding bodies, particularly in the context of disputed events or complex situations, has

highlighted the issue of the selection of members and has raised serious debates about the independent, impartial and impartial nature of these fact-finding bodies. Without fact-finding mechanisms, the implementation of human rights norms would be as groundless as a tree without roots. Since the 1990s, many fact-finding institutions have been established to assess some of the most serious violations of human rights and humanitarian law around the world: in Yugoslavia, Darfur, Lebanon, Guinea, Georgia, Israel and occupied Palestine.

A legitimate international fact-finding mission should provide the United Nations with impartial facts to inform better policies and actions. It should also provide reports to international courts and tribunals, thereby facilitating their deliberations and judgments. Given their vital role, fact-finding reports require accuracy, independence and impartiality. In the absence of such characteristics, the international community risks relying on reports that lack clear criteria for reliability and may be detrimental to the pursuit of human rights. The endorsement and acceptance of fact-finding reports by decision-makers requires standardization and improvement of the United Nations. The important issue in international fact-finding is the separation of their missions and activities from politics, as well as impartial fact-finding, which is never seen as a political or diplomatic tool to achieve geopolitical goals.

5.1 Duties and scope of authority of fact-finding missions and commissions

Fact-finding missions approved by different institutions are structured in a broad or narrower format, depending on the diversity of these institutions. Fact-finding missions have also varied considerably in scope depending on the situation under investigation, the nature of the violations, and the purpose of the investigation, with some covering the entire country, such as Libya or the Syrian Arab Republic, and others covering only a part of it, such as Darfur.

The mandate and authority of fact-finding missions are sometimes broad, requiring members to conduct normative assessments of human rights and humanitarian law violations in the region. For example, the UN Human Rights Council sent a mission to Syria to investigate all alleged violations of international human rights law. The Independent International Fact-Finding Mission also investigated the conflict in Georgia, including its relationship to international human rights and humanitarian law, and the allegations made in that context. and the report of the Fact-Finding Mission on the Gaza Conflict, commissioned by the UN Human Rights Council, which considered any actions by all parties that may constitute violations of international human rights law.

Sometimes the mandate and authority of fact-finding missions are limited and they still focus on normative assessments of human rights and humanitarian law violations, for example, the International Federation of Human Rights Societies organized a mission to analyze the human rights situation in Mapuche communities in Chile in relation to forest exploitation and the Ralco project, or the UN Commission of Inquiry to investigate and investigate nine incidents in Gaza and southern Israel that occurred between 27 December 2008 and 19 January 2009. The mission assessed the deaths of civilians in accordance with the rules and principles of international humanitarian law.

5.2 International fact-finding and investigative institutions

Fact-finding missions have been established by different institutions and under different circumstances, and are diverse and geographically dispersed. They are based on various criteria, including the institution that authorized their establishment, the scope of the mission, and its outcome. United Nations bodies are the main source of international fact-finding processes.

The United Nations Security Council engages in fact-finding through the exercise of its implied powers, such as in the investigations into the situations in the former Yugoslavia, Burundi, Rwanda, Somalia, Sierra Leone, and Darfur.

The Security Council sometimes requests the Secretary-General of the United Nations to initiate fact-finding investigations, and the Secretary-General has appointed a Commission of Experts to investigate the prosecution of serious human rights violations in East Timor, an international commission of inquiry into

the assassination of former Pakistani Prime Minister Benazir Bhutto, a panel of experts on the illegal exploitation of natural resources in the Congo, and a panel of inquiry into the 2010 small boat incident off Gaza. The UN Secretary-General may rely on other international organizations in carrying out his fact-finding activities. For example, the Secretary-General, after consulting with the World Health Organization and the Organization for the Prohibition of Chemical Weapons, dispatched a mission to Syria to investigate allegations of chemical weapons use.

The Security Council and the Secretary-General sometimes undertake joint fact-finding activities, such as the inquiry into the management of the UN Oil-for-Food Programme.

The UN Commission on Human Rights, and subsequently the Human Rights Council, are responsible for a large number of fact-finding initiatives: the Commission on Human Rights led the Independent Commission of Inquiry into Post-Election Human Rights Violations in East Timor and also prepared a report following the official mission of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples in Chile. The Human Rights Council has also undertaken a number of fact-finding initiatives, such as the Commission of Inquiry on Lebanon, the UN Fact-Finding Mission on the Gaza Conflict, and the Fact-Finding Mission on the Syrian Arab Republic.

It is common for the Office of the High Commissioner for Human Rights to conduct fact-finding missions as part of its mandate, such as Mary Robinson's visit to Chechnya in 2000 to assess the human rights situation.

Regional organizations, particularly those specializing in the protection of human rights and the promotion of peace and security, also play an important role in modern fact-finding. The African Commission on Human and Peoples' Rights plays an active role in the region, and among its initiatives is a fact-finding mission to Zimbabwe and Sudan. Another regional organization conducting fact-finding missions in the region is the Economic Community of West African States, which sent fact-finding officers to Mali. In Europe, the Council of the European Union and the Organization for Security and Cooperation in Europe are also among the organizations that initiate fact-finding. The Council of the European Union was responsible for a fact-finding mission to the conflict in Georgia in 2008. The Organization for Security and Cooperation in Europe was responsible for a fact-finding mission to the occupied territories of Azerbaijan around Nagorno-Karabakh in 2005.

The Union of South American Nations is a regional organization in Latin America that carries out fact-finding activities in the region. Fact-finding by NGOs is becoming increasingly widespread. For example, the International Federation for Human Rights is a Paris-based NGO that specializes in human rights fact-finding. One of its missions was to Angola to analyze the context in which human rights defenders operate in that country. Another example of NGO action is the Independent Civil Society Fact-Finding Mission to Libya, established by the Arab Organization for Human Rights in collaboration with the Palestinian Center for Human Rights. The mission served as an alternative to the United Nations Fact-Finding Mission to investigate allegations of widespread violations of international law in Libya since 15 February 2011. Fact-finding missions may sometimes originate within the government. This is usually the case with commissions of inquiry and reconciliation established by domestic parliaments. There are other cases where domestic bodies allow fact-finding, for example the King of Bahrain established the Bahrain Independent Commission of Inquiry to report on human rights violations during the protests that took place in Bahrain from February to March 2011. The President of Kyrgyzstan established the Independent International Commission of Inquiry into the Events in Southern Kyrgyzstan in 2010. The Danish Migration Service sent a fact-finding mission to Colombo to investigate the human rights and security situation of Tamils in Sri Lanka.

5.3 Achievements and results of the missions of truth-seeking institutions

Fact-finding missions sometimes refer only to international humanitarian law, while others, in situations of armed conflict, have also referred to international humanitarian law. The UN Secretary-General, when launching an investigation into the killings of 28 September 2009 in Guinea, referred only to alleged gross violations of human rights, while the UN fact-finding mission into the Gaza conflict examined all cases of

violations of international humanitarian law and international humanitarian law. Fact-finding institutions, by carrying out missions and discovering facts, seek a goal beyond criminal prosecutions, which is accountability. For example, in Darfur 2004 there was no definition of accountability, but the report focused on the justice and reparations element of accountability and spoke of commissions that had collected information that allowed them to take the first step in ensuring accountability for crimes committed in Darfur, by referring to the relevant prosecutorial and judicial authorities who deserve a full investigation. The report also noted the need for measures to provide relief and reparation to victims to complete the accountability process.

The 2010 Sri Lanka report included explicit statements on the Panel's understanding of accountability, guided by relevant international norms. Victims of crimes have three fundamental rights under international law: the right to the truth, the right to justice and the right to reparation through guarantees of non-repetition. The report also states that accountability goes beyond the investigation and prosecution of serious crimes committed and addresses the political, legal and moral responsibility of individuals and institutions for violations of human rights and human dignity.

The achievements and results of fact-finding missions in promoting and developing human rights and international humanitarian law, which are very influential in the progressive development of international law:

Fact-finding missions may lead to the establishment of a court or tribunal, which allows the initiation of legal proceedings against those responsible based on the information gathered by the fact-finding mission. Examples of these missions include the Commission of Experts on the Former Yugoslavia, the International Commission of Inquiry on Rwanda, and the Cambodian Group of Experts, as well as the Independent International Commission of Inquiry to assist in the investigation of all aspects of the assassination of former Lebanese Prime Minister Rafik Hariri.

Fact-finding missions may, in addition to providing the basis for international prosecutions, provide a list of humanitarian recommendations addressed to the relevant government or the international community in general. For example, the Commission of Inquiry on Lebanon recommended that the UN Human Rights Council increase humanitarian assistance and reconstruction, assess the legality of certain weapons, and address and promote legal remedies for individuals, while the Independent Fact-Finding Mission to Examine the Impact of Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights of the Palestinian People in the Occupied Palestinian Territory called on Israel to cease settlement activities without preconditions, to begin the process of withdrawing all settlers from the Occupied Palestinian Territory, and to end human rights violations associated with the settlements.

Fact-finding missions may lead to further institutional developments, such as the establishment of a more permanent institution with broader powers. The conclusions of the Human Rights Council's fact-finding mission to the Syrian Arab Republic on the existence of patterns of human rights violations in that country led to the establishment of an institution with broader powers and the additional task of identifying those responsible with a view to holding them accountable (the Independent International Commission of Inquiry).

The deployment of a fact-finding mission may result in a tool of public protest and concern in response to the security and humanitarian situation in a particular region. The fact-finding mission in northern Mali in 2012 led to calls for a ceasefire.

Fact-finding missions may pursue broader objectives, such as contributing to truth, justice and reconciliation in the region concerned, as is often the case with truth and reconciliation commissions.

5.4 Monitoring and Treaty Mechanisms

There are various mechanisms for monitoring human rights and humanitarian law within the United Nations system. These mechanisms share common elements as well as important differences. They are

guided and implemented by a body of international human rights law and share the same goals, namely to promote and protect all human rights for all.

The core international human rights treaties of the United Nations consist of nine treaties, the implementation of which is monitored by committees of independent experts, the treaty bodies, which are:

1. International Convention on the Elimination of All Forms of Racial Discrimination
2. International Covenant on Civil and Political Rights
3. International Covenant on Economic, Social and Cultural Rights
4. Convention on the Elimination of All Forms of Discrimination against Women
5. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
6. Convention on the Rights of the Child
7. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
8. International Convention for the Protection of All Persons from Enforced Disappearance
9. Convention on the Rights of Persons with Disabilities.

The main monitoring functions of the aforementioned treaties include: examining reports from States parties, examining individual complaints or communications, confidential inquiries and country visits (only the Subcommittee on Prevention of Torture).

In considering State party reports, States that ratify, accede to or accede to a core international human rights treaty undertake a legal obligation to implement the rights contained in that treaty. One of these obligations is to submit periodic reports to the relevant body on how the rights are being implemented. In addition to the State party report, treaty bodies may receive information on the human rights situation in a country from other sources, such as national human rights institutions, United Nations agencies, other international organizations, national, regional and international civil society organizations, academia and the media. State reports, together with information from other sources, are then considered and discussed by the committees in meetings with representatives of the country.

In considering individual complaints or communications, human rights treaty bodies may, under certain circumstances, consider individual complaints or communications. Under this procedure, any individual who claims that his or her rights under a relevant treaty have been violated may lodge a complaint with a treaty body against a State party to the treaty and that has recognized the competence of the treaty body to deal with individual complaints. The complaint is first assessed against the requirements for admissibility and, if admissible, is considered on its merits and priority, and the treaty body decides whether there has been a violation of an article of the treaty.

In confidential inquiries, the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of Persons with Disabilities, the Committee on Enforced Disappearances, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child may initiate inquiries on their own initiative if they receive credible information containing reasonable grounds for believing that a serious or systematic violation of the treaties has occurred in a State party. Inquiries may only be conducted in respect of States parties that have recognized the competence of the relevant Committee in this regard. Where necessary and with the consent of the State party concerned, the inquiries may include a visit to the territory of that State, which shall be confidential.

However, these mechanisms strengthen human rights protection in several ways; they help ensure accountability for serious violations, which is essential for preventing future violations; they also promote respect for the law and provide avenues for justice and redress for victims; many of them have analysed the root causes of violence and violations and have set up transitional justice mechanisms that work towards and address the right to truth, justice, reparations and reparations, as well as ensuring non-repetition. They have thus fostered more sustainable efforts to build peace and reconciliation, contributed to the political resolution of conflicts, and can also provide a record of serious violations and influence positive changes in law and practice.

Finally, we examine the monitoring mechanisms of the Committee against Torture, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child;

Methods of monitoring the Committee against Torture:

Like other human rights institutions, one of the most important ways of exercising supervision by the Committee against Torture is to “receive and consider reports” that States Parties are required to submit to the Committee. The Convention against Torture also establishes two other procedures under which “individuals or groups” can complain to a State Party to the Convention and “States Parties against each other.” Finally, by establishing the position of Special Rapporteur on Torture, the Committee against Torture can monitor the performance of States Parties by following up on and receiving reliable information on issues related to torture.

Torture can be committed as a separate crime both in peacetime and in wartime, as was correctly stated in the 2001 Konaraj case (Judgment of the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia), with some deviation from the two previous judgments on this issue, namely the Furundzia judgment by the same Court and the Akaiso judgment by the Rwandan Court).

Methods of exercising oversight in the Committee on the Elimination of Discrimination against Women:

In the Committee on the Elimination of Discrimination against Women, the Committee monitors the actions of States in implementing the provisions of the Convention in two ways: first, through the examination of reports by States parties, for which the Committee has established two working groups to facilitate its work, including the Preliminary Working Group and the Main Working Group. The Preliminary Working Group was established in response to the problems arising from the time and resource constraints in examining State reports, and is composed of five members of the Committee and is responsible for preparing a list of issues and questions to be sent to reporting States. The second group is the Main Working Group, which implements Article 21 of the Convention, which gives the Committee the power to make recommendations and general guidelines on the implementation of the Convention. Second, through the request for special reports in exceptional cases, for which the Committee established a procedure in 1993, in accordance with Article 18 of the Convention, according to which in some cases, reporting may be subject to an exceptional procedure, a clear example of which is the case of reports relating to the former Yugoslavia. In view of the reports submitted by the previous governments of the former Yugoslavia, the Committee adopted an exceptional reporting procedure.

Methods of monitoring the Committee on the Rights of the Child:

The Committee on the Rights of the Child, like other committees overseeing the implementation of human rights conventions, has prepared guidelines for how to prepare “initial reports” and subsequently “periodic reports.” Through this, it applies a comprehensive monitoring position and method based on various scales to harmonize and standardize the national laws of states with the policies and rights contained in the Convention on the Rights of the Child. On the other hand, it encourages the participation of as many people as possible in researching state procedures in the field of better implementation of the provisions of the Convention, because based on Article 44, paragraph 6, of this Convention, states must publish and make available to the public the reports submitted to the Committee on the Rights of the Child in the country. The Committee on the Rights of the Child has been creative and effective in developing its monitoring methods, but like other human rights monitoring bodies, this committee has always faced concerns in the reporting process of states. The most important of these concerns and problems that the committee faces is the failure to submit reports on time by states, which are usually done with long delays and in a vague and ambiguous manner. Of course, it is very important to mention that, in view of the ratification of the Convention on the Rights of the Child in 1989 by the United Nations General Assembly, and in view of the fundamental issue of the sale and sexual exploitation of children in 1990 by governments, the United Nations directly took steps to follow up on this issue by creating the post of Special Rapporteur on the sale, prostitution and sexual exploitation of children through Resolution No. 68/1990, and authorized the Special Rapporteur to address the issue of sexual exploitation and sexual exploitation of children worldwide and submit his reports to the United Nations General Assembly, the Commission on Human Rights, governments, non-governmental organizations and other human rights monitoring bodies, and to announce his proposals to the General Assembly and the Commission on Human Rights for the protection of children's rights.

6. Conclusion

The achievements of fact-finding institutions, depending on the scope of their mandate and the political will involved, have a positive impact on the development and evolution of human rights and humanitarian law. Sometimes these missions refer only to international humanitarian law, while others, related to situations of armed conflict, have also referred to international humanitarian law. Fact-finding missions may also lead to the establishment of a court or tribunal, which allows for the initiation of legal proceedings against those responsible based on the information gathered. In addition to providing the basis for international prosecutions, fact-finding missions may also provide a list of humanitarian recommendations addressed to the relevant government or the international community in general. Sometimes fact-finding missions may lead to further institutional developments, such as the creation of a more permanent institution with broader powers, and fact-finding missions may sometimes pursue broader objectives, such as contributing to truth, justice and reconciliation in the region concerned, and this is usually the case with truth and reconciliation commissions.

Another effectiveness and achievement of fact-finding is through the provision of impartial reports on violations of human rights and international humanitarian law. The formation of missions and the dispatch of officers to different parts of the world to visit and examine what has happened or is happening, and these actions have been the basis for issuing resolutions and drafting competent and appropriate regulations by the United Nations and other international institutions in line with respect for human rights and humanitarian law. The importance of examining the role of the fact-finding committee is not hidden from anyone, because the United Nations has been facing challenges with member states in some way in relation to acute human rights issues in the past few decades. Today, the right to truth is manifested in the form of commissions of inquiry in order to encourage governments to respect fundamental human rights. On the other hand, the importance that fact-finding attaches to public opinion has also faced it with certain problems. When a government experiences injustices and violations of civil rights, governments react to fact-finding with political approaches and dimensions and taking into account their interests. At such times, international protection of human rights can be very necessary.

Another effectiveness and achievement of fact-finding is realized through various methods of human rights institutions that seek to prove the responsibility of governments for human rights violations. They should not be subject to the usual evidentiary requirements for determining individual criminal responsibility, nor should they be subject to the secondary goal of collecting evidence for parallel or future criminal trials. Responsible for human rights violations for some human rights, which is also foreseen in the Statute of the International Criminal Court, international responsibility is directed to natural persons (such as the crime of genocide or crimes against humanity). In other cases, responsibility is directed to states. However, for violations of humanitarian rights, international responsibility is directed both at individuals (war crimes in the Statute of the International Criminal Court) and at states or international organizations (non-criminal responsibility). International fact-finding institutions, especially the United Nations fact-finding institutions, strive to provide a historical record of violations of human rights or humanitarian law and, with the support and pressure of international institutions, to make changes in the domestic laws of countries in favor of strengthening human rights. Fact-finding institutions strongly seek to ensure accountability and responsibility of human rights violators in different countries and try to prevent further violations, promote respect for human rights, strengthen the structure of justice, and also help compensate victims.

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