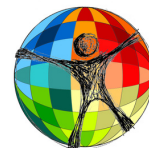


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Bearing Witness: The Ethics of Being Paid in Exposure in Human Rights Reporting

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ABSTRACT

When international human rights organizations (INGOs) interview victims and survivors of human rights abuses, they are often unwilling to compensate them for sharing their stories. They typically provide a range of rationales against compensation, including notions of objectivity (suggesting that paying someone for their story will create a conflict of interest), and a lack of resources (suggesting that the organization does not have enough money to compensate them), among others.

These decisions around compensation (or the lack of compensation), must be weighed alongside an assessment of the human rights strategies themselves, and how stories are used in those contexts. Testimonies are often interpreted and used selectively to further specific advocacy or litigation objectives, and the success/meaning of these strategies for the individuals interviewed vary. Those who share their stories, particularly those who are marginalized or in situations of conflict, are often re-traumatized, may experience backlash, and often retain little to no control over how their story is presented.

This paper argues that INGOs, depending on context-specific resource capacity, should reconsider their positions on compensation. Instead of viewing compensation as a threat to institutional legitimacy, it should be viewed as a means of building reciprocity and trust with the witnesses on whose stories human rights INGOs rely.

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Introduction

“There is power in sharing our stories, but I do so with hesitation. We exist in a world that at best infantilizes us. We must be given control over how our stories are told, which parts we share and the context we put them in.”¹

These were the words of Gabrielle Peters, a disabled policy analyst from Canada, during a side event at the United Nations climate summit (COP26) in Glasgow, as part of her message on the needs of people with disabilities during climate disasters. In a video, Peters recounted her experience during the extreme and foreseeable heat wave that occurred July 2021 in the Canadian province of British Columbia, where she felt she was “denied the tools and means to survive.”² Gabrielle’s statement was presented in tandem with a presentation by Human Rights Watch (HRW), who had interviewed Peters as part of their report about how inadequate government support compounded risks for people with disabilities and older people during the heat wave.

Without Peters’s story, and the stories of hundreds of people worldwide, the work of international human rights organizations (INGOs) would not be possible. Only people with lived experience of human rights violations can bring to light the scope of the harm. The “right to speak,” or “bearing witness,” is directly aligned with the “right to truth” and the “right to justice” as discussed by the United Nations (UN).³

¹ “Statement by Gabrielle Peters at the UN Climate Change Conference (COP26) on November 5, 2021” (5 November 2021), online: *Human Rights Watch* <www.hrw.org/news/2021/11/05/statement-gabrielle-peters-un-climate-change-conference-cop26-november-5-2021>.

² Ellen Spannagel, “People with Disabilities Needed in Global Efforts to Combat Climate Change” (5 November 2021), online: *Human Rights Watch* <www.hrw.org/news/2021/11/05/people-disabilities-needed-global-efforts-combat-climate-change>.

³ See Carrie Booth Walling, “Insights on victim testimony and transitional justice: A response to Angelina Snodgrass Godoy” (2018) 17:3 *Journal of Human Rights Law* 384 at 384.

But was Peters paid for her testimony? When INGOs interview victims and survivors of human rights abuses, they are often unwilling to compensate them for sharing their stories. They typically provide a range of rationales against compensation, including notions of objectivity (suggesting that paying someone for their story will create a conflict of interest), and a lack of resources (suggesting that the organization does not have enough money to), among others. This is despite movements taking place around the importance of compensating individuals for their labour where such work has been seen as “opportunities for exposure.”

These decisions around compensation (or lack of compensation), must be weighed alongside an assessment of the human rights strategies themselves, and how stories are used in those contexts. Testimonies are often interpreted and used selectively to further specific advocacy or litigation objectives, and the success/meaning of these strategies for the individuals interviewed vary. Moreover, questions around compensation must be investigated in the context of both the short- and long-term consequences that individuals experience after they have shared their stories. Those who share their stories, particularly those who are multiply marginalized or in situations of conflict, are often retraumatized, may experience backlash, and often retain little to no control over how their story is presented.

Considering these impacts, I want to argue that INGOs—depending on context-specific resource capacity—should reconsider their positions on compensation. Instead of viewing compensation as a threat to institutional legitimacy, it should be viewed as a means of building reciprocity and trust with the witnesses whose stories human rights INGOs rely on. Acknowledging the labour and time of those who share their stories is the bare minimum is ensuring their agency is respected while INGOs continue to depend on testimony collection. To champion compensation, this paper will first examine how human rights factfinding is conducted, followed by arguments for and against compensation, and, finally, factors for INGOs to consider in imagining new paths forward.

What is Human Rights Work Without Stories?

Testimonies are at the heart of human rights work:

One of the core activities of many human rights institutions—whether nongovernmental organizations (NGOs), state-run commissions, UN bodies, intergovernmental agencies, or others—involves gathering information on human rights violations, which often relies heavily on collecting and analyzing testimonies.⁴

While testimony collection is essential to investigation missions mandated by political bodies such as the United Nations Security Council or the United Nations Human Rights Council,⁵ this paper will focus on the importance of testimony collection in human rights work conducted by INGOs. This is due to important differences between INGO and UN fact-finding, including the role of UN fact-finding in collecting evidence and testimonies to hold actors accountable under international law.⁶ By INGOs in the human rights context, I am referring to “groups that are politically activist as a matter of institutional identity,” including organizations such as Amnesty International (AI) and HRW.⁷ Such INGOs advocate for human rights more broadly, rather than representing specific identity groups or constituencies.⁸ Witness testimonies form the bedrock of their work: a study of HRW and AI reports found that 98.4 percent of the reports published in 2010 contained testimony

⁴ Daniel Rothenberg, “The Complex Truth of Testimony: A Case Study of Human Rights Fact-Finding in Iraq” in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016) at 191.

⁵ See Rob Grace & Claude Bruderlein, “Developing Norms of Professional Practice in the Domain of Monitoring, Reporting, and Fact-Finding” in Alston & Knuckey, *supra* note 4 525 at 525.

⁶ See Federica D’Alessandra, “The Accountability Turn in Third Wave Human Rights Fact-Finding” (2017) 33:84 *Utrecht J of Intl European L* 59 at 61.

⁷ Peter J Spiro, “NGOs and Human Rights: Channels of Power” in Sarah Joseph & Adam McBeth, eds, *Research Handbook on International Human Rights Law* (Cheltenham, UK: Edward Elgar, 2010) at 115.

⁸ See *ibid.*

from victims, witnesses, and/or survivors.⁹ Though these terms are often used interchangeably, I will be using the term “witness,” in that it is most directly related to the experience of having witnessed a human rights violation, and the decision to identify as a “victim” or “survivor” is highly personal.

In analyzing how INGOs collect testimonies, I will rely on Barbora Bukovská’s analysis of two strategies widely used by international human rights organizations: human rights reporting and advocacy.¹⁰ Reporting, which is described as a means of “producing authoritative accounts,” is often followed by advocacy targeted at actors to “change their practices, amend the laws, and provide remedies.”¹¹ While Bukovská also discusses the role of strategic litigation (which also relies heavily on testimonies), I have chosen to focus on reporting and advocacy given several fundamental distinctions differentiating these strategies. In strategic litigation, the relationship between human rights researchers and victims is “even more important and sensitive” given the stakes inherent to the legal process.¹² Moreover, while strategic litigation involves an individual or group of individuals coming forward with a case, human rights reporting and advocacy often involve researchers seeking out victims who are prepared to bear witness.¹³ Such distinctions place ethics surrounding compensation for testimonies in strategic litigation outside the scope of this paper. Critical to human rights reporting and advocacy are fact-finding processes, which will be examined in turn.

⁹ See Sarah Knuckey et al, “Advancing Socioeconomic Rights Through Interdisciplinary Factfinding: Opportunities and Challenges” (2021) 17:1 Annual Rev L and Soc Science 375 at 377 [Knuckey et al, “Advancing”].

¹⁰ See Barbora Bukovská, “Perpetrating Good: Unintended Consequences of International Human Rights Advocacy” (2008) 5:9 Sur Rev int derechos human 6 at 6–21.

¹¹ *Ibid* at 9.

¹² *Ibid* at 12.

¹³ See *ibid*.

Reporting and Advocacy, the Fact-Finding Process, and Legitimacy

Both human rights reporting and advocacy rely on “fact-finding” processes: “methods of ascertaining facts in a convincing and objective manner on alleged human rights violations and abuses.”¹⁴ Human rights violations should be “concrete, identifiable, and knowable” rather than partisan political claims.¹⁵ This mirrors and reinforces notions surrounding the universal of nature human rights, where human rights are both recognized by positive law while existing independently of it, for example, in claims such as “LGBT rights are human rights.”¹⁶

More conventional interpretations of fact-finding rely on the notion that facts simply exist and can simply be “found.” However, this paper relies on an interpretation of fact-finding as an exercise in producing legitimacy; the goal of fact-finding is “not only to uncover facts but to produce credible ones.”¹⁷ In describing the importance of legitimacy in underpinning fact-finding processes, Frédéric Mégret writes: “In the same way that it is often said that ‘justice should not only be done but be seen to be done,’ “ fact-finding should also ‘appear to be done.’”¹⁸ For example, it is HRW’s reputation of “finding the facts, revealing the facts, and getting policy changed in light of those facts,” that has afforded it visibility at the international level.¹⁹

¹⁴ Théo Boutruche, “The Relationship between Fact-Finders and Witnesses in Human Rights Fact-Finding: What Place for the Victims?” in Alston & Knuckey, *supra* note 4 131 at 131.

¹⁵ Frédéric Mégret, “Do Facts Exist, Can They Be ‘Found,’ and Does It Matter?” in Alston & Knuckey, *supra* note 4 27 at 27.

¹⁶ See Frédéric Mégret, “International human rights law theory” in Alexander Orakhelashvili, ed, *Research Handbook on the Theory and History of International Law* (Cheltenham, UK: Edward Elgar Publishing, 2020) at 164.

¹⁷ Mégret, *supra* note 15 at 38.

¹⁸ *Ibid.*

¹⁹ Carroll Bogert, “Human Rights Advocacy in Global Governance: A Case Study of Human Rights Watch” in James P. Muldoon et al., eds, *The New Dynamics of Multilateralism : Diplomacy, International Organizations, and Global Governance* (Boulder, CO: Taylor & Francis Group, 2010) 169 at 174.

Essential to such a fact-finding process, is the perceived *legitimacy* of the researcher, the INGO, and of the facts comprising the resulting report detailing the human rights violation or situation. It is important to highlight that existing notions surrounding the legitimacy of human rights fact-finding processes, and rights methodology more broadly, are rooted in Western thought.²⁰ In this regard, human rights fact-finding as it has emerged is centred in hierarchies between scientific and other knowledge holders, prioritizing scientific knowledge over other ways of knowing.²¹ For example, the position of the researcher is understood as being legitimized when they occupy a role that is “neutral,” “impartial,” or “objective.” As Julika Bake and Michaela Zöhrer have described, the (re-)construction process of human rights narratives are “believed to be independent of the researcher—anyone of goodwill and with the essential expertise and evidence at their disposal would arrive at the same conclusion.”²² Thus, the neutrality of the researcher must be safeguarded. In this regard, scholars have highlighted how INGOs have become more like news organizations, for example, through the recruitment of large number of former journalists and through journalistic production via interviewing and capturing visual evidence of particular events.²³

But the preoccupation extends far beyond the identity of human rights researchers into institutional identity. For example, for many years, AI applied a rule “that no national of a state under investigation can be part of a fact-finding mission to that

²⁰ See Shannon, Morreira, “Chapter 3: Producing Knowledge about Human Rights in Harare” in Shannon Morreira, ed, *Rights After Wrongs: Local Knowledge and Human Rights in Zimbabwe* (Redwood City, CA: Stanford University Press, 2016) 89 at 98.

²¹ See Esther Turnhout et al, “The politics of co-production: participation, power, and transformation” (2020) 42 *Current Opinion in Environmental Sustainability* 15 at 18.

²² Julika Bake & Michaela Zöhrer, “Telling the stories of others: claims of authenticity in human rights reporting and comics journalism” (2017) 11:1 *Journal of Intervention and Statebuilding* 81 at 93.

²³ See Katherine Wright, “NGOs as News Organizations” in H Orenbring & H Wasserman, eds, *Oxford Research Encyclopedia of Communication* (Oxford, UK: Oxford University Press, 2019).

state.”²⁴ Similarly, organizations such as HRW and AI intentionally do not seek government funding.²⁵ These decisions have fostered institutional legitimacy.

A preoccupation with credibility similarly impacts how fact-finding is operationalized at a concrete level. While human rights fact-finding prizes quantitative research, the inclusion of personalized narratives in reporting and advocacy serves an important role in buttressing the legitimacy of the work.²⁶ Numbers are critical in demonstrating the scale of a human rights violation, but individual testimonies provide an emotional “valence and weight” that work to underscore the *intensity* of the harm and elicit an emotional response.²⁷ For example, the use of individual witness narratives can be used to localize a situation, “verifying the presence of suffering and the need for normative change at the local level.”²⁸ Moreover, personal stories can be used where perspectives are underrepresented in data.²⁹ In many instances, direct testimony may be the only source of evidence available.³⁰ This is true where investigations take place a long time after the harm has occurred, perpetrators have destroyed physical evidence, or a location is inaccessible.³¹ Still, an emphasis on legitimacy pervades how personal stories are collected and presented. Concerns around the legitimacy of witness testimony is prevalent with regards to sampling. For example, samples of convenience, where testimonies elicited from individuals who are easiest to access, can result in reports that are not representative of the population.³² As such, researcher

²⁴ Diane Orentlicher, “International Norms in Human Rights Fact-Finding” in Alston & Knuckey, *supra* note 4 501 at 513.

²⁵ See Logan Cochrane & John-Michael Davis, “Scaling the INGO: What the Development and Expansion of Canadian INGOs Tells Us” (2020) 9:14 Soc Sci 1 at 2.

²⁶ See Morreira, *supra* note 20 at 100.

²⁷ *Ibid.*

²⁸ Xiaoyu Lu, “Personalising Human Rights” in Xiaoyu Lu, ed, *Norms, Storytelling and International Institutions in China: The Imperative to Narrate* (Springer, 2021) 105 at 109.

²⁹ See *ibid* at 131.

³⁰ See Knuckey et al, “Advancing”, *supra* note 9 at 377.

³¹ See *ibid.*

³² See *ibid* at 378.

training and human rights fact-finding guidelines emphasize strategies such as carefully selecting witnesses, seeking numerous witnesses, and ensuring that witness testimony is corroborated by other sources.³³

Beyond utilizing personalized narratives to emphasize the *intensity* of harm, the inclusion of first-person stories can serve more strategic purposes, serving to “support the organization’s factual and legal claims, not the other way around.”³⁴ For example, a comparison between reports produced by HRW and Kvinna till Kvinna Foundation revealed how personal narratives are used to achieve vastly different aims.³⁵ In the context of reporting on the experiences of victims of sexual violence in Bosnia and Herzegovina, HRW used quotes selectively from witness interviews to present the experiences of violations in the context of war, exploring relevant legal consequences.³⁶ Alternatively, Kvinna till Kvinna used quotes “to shed light on what has been understood as an especially marginalized experience: the female experience.”³⁷ This example demonstrates how the representation of individual stories are “conditioned by how the NGO is creating their space,” and are ultimately dependent on the INGO’s worldview and mission.³⁸

Often, narratives are framed strategically by INGOs to acquire legitimacy at the international level. In this regard, Sally Engle Merry writes that INGOs act as translators who vernacularize human rights norms by refashioning “global rights agendas into local contexts and reframing local grievances in terms of global human rights norms.”³⁹ That organizations acquire legitimacy at the international level requires “sacrificing ideals,

³³ See *ibid* at 377.

³⁴ Morreira, *supra* note 20 at 100.

³⁵ See Henrietta Olson, *Whose Stories Do They Tell?: An analysis of the creation of the concept of victim in the reports by Human Rights Watch and Kvinna till Kvinna Foundation* (Master Dissertation, Uppsala University, 2017) [unpublished] 1–62.

³⁶ See *ibid* at 62.

³⁷ *Ibid*.

³⁸ *Ibid*.

³⁹ Sally Engle Merry, “Transnational Human Rights and Local Activism: Mapping the Middle” (2006) 108 *American Anthropologist* 38 at 39.

limiting demands on authorities, and possibly excluding significant groups and their demands from the movement.”⁴⁰ It is crucial to consider that what is understood to be “legitimate fact-finding” and legitimate human rights discourse is shaped by financial factors, given that NGOs are typically dependent on international foundations or state funding, and must “present their work in a way that inspires these funders.”⁴¹

In the context of personal stories, this means that most INGOs “interpret both up-and-down” to effectively frame the experiences of witnesses to be compatible with cultural beliefs while also aligned with the language of international human rights.⁴² The challenge of integrating personal narratives within a specific human rights discourse exposes the contradiction between the perceived universality of human rights and both cultural relativism and individual subjectivity.⁴³ For example, while a human rights researcher may “attempt to promote a set of negative rights associated with liberal freedoms as a universal truth and justification for intervention,” a witness may have other expectations for how justice might be secured, such as through collective rights, or economic and social equality.⁴⁴ Thus, in constructing “legitimate” and “credible” narratives, INGO fact-finding and reporting may privilege certain information, situations, and rights violations, over others.⁴⁵

The rationales provided against compensation are intimately related to ideas surrounding the legitimacy of fact-finding processes and broader goals of establishing legitimacy at the international level.

⁴⁰ *Ibid* at 41.

⁴¹ *Ibid* at 49

⁴² Xiaoyu, *supra* note 28 at 109.

⁴³ See *ibid*.

⁴⁴ Tony Evans, “International Human Rights Law as Power/Knowledge” (2005) 27:3 *Hum Rts Q* 1046 at 1050.

⁴⁵ See Suparna Chaudhry, “Bridging the Gap: The Relationship between INGO Activism and Human Rights Indicators” (2018) 18:1 *J Human Rights* 111 at 117.

The Argument Against Compensation

INGO's conducting fact-finding have long been criticized for their absence of consistent interviewing methodologies.⁴⁶ Despite these criticisms, there are also many important reasons that are provided against creating rigid, uniform standards. As HRW Director Kenneth Roth noted, rules governing NGO fact-finding activities "would be immediately violated," given that different contexts necessitate varying strategies.⁴⁷ Despite the lack of consistent interviewing methodologies, INGOs relying on witness testimonies are reluctant to pay their sources. For example, while HRW states that it does not have a "uniform interview methodology that is universally used by the organization," it emphasizes that the principles why interviews are conducted are standard, including the need to "remain impartial."⁴⁸ The organization also indicates that it does not "take on individual cases."⁴⁹ But what are the primary rationales provided by INGOs in their decision not to compensate witnesses for their stories? Compensating witnesses has been said to compromise fact-finding processes, jeopardize informed consent, and be a financial burden, among other arguments.

Compromising the Fact-Finding Mission

While testimonies are essential for effective human rights fact-finding, there are several issues that complicate the use of testimony in claims of factual accuracy. Such challenges include the inaccuracy of human memory and the impact of trauma, alongside the influence of intentionality for those who choose to share their stories.⁵⁰ As Daniel Rothenberg has written,

⁴⁶ See Orentlicher, *supra* note 24 at 501.

⁴⁷ *Ibid* at 511.

⁴⁸ See "About Our Research" (last visited 31 August 2022), online: Human Rights Watch <www.hrw.org/about/about-us/about-our-research#7>.

⁴⁹ See "Frequently Asked Questions" (last visited 31 August 2022), online: Human Rights Watch <www.hrw.org/about/about-us/frequently-asked-questions#14>.

⁵⁰ See Rothenberg, *supra* note 4 at 192.

“researchers cannot determine what influences people’s decision to speak, or the way their desires and interests impact the specifics of their story, it is not possible to resolve the potential problems as regards the truth of testimony.”⁵¹ The researcher must strike a balance between believing those who have come forward to share human rights violations while also recognizing “the possibility of distortion,” including through financial incentives.⁵² Providing financial compensation creates the potential for some to take advantage of human rights fact-finding processes by fabricating stories. As such, guidelines such as the United Nations Office of the High Commissioner for Human Rights (OHCHR) manual on human rights monitoring specify: “HROs (human rights organizations) should never pay for a testimony, because of the likelihood that ‘false’ victims would report fake violations in the hope of receiving financial compensation or interviewees would tell stories that they think HROs want to hear.”⁵³

Compensation as Complicating Consent and Expectations

Relating to the issue of clear expectations on the part of both the interviewer and the interviewee is the issue of consent. The OHCHR guidelines specify that human rights organizations must “obtain the interviewee’s informed consent to use and/or share the information provided, and this consent has to be clearly recorded.”⁵⁴ This entails that victims agree to the use or sharing of information they provide under agreed upon conditions.⁵⁵ However, achieving such consent is complicated in “desperate situations” where individuals might perceive researchers as “their only hope”, agreeing to “almost anything in exchange for any

⁵¹ *Ibid.*

⁵² James L Cavallaro & Meghna Sridhar, “Reducing Bias in Human Rights Fact-Finding: The Potential of the Clinical Simulation Model to Overcome Ethical, Practical, and Cultural Tensions in ‘Foreign’ Contexts” (2020) 42:2 Human Rights Q 488 at 492.

⁵³ OHCHR, “Chapter 11: Interviewing, Manual on Human Rights Monitoring” at 15 (last visited 31 August 2022), online (pdf): *UN High Commissioner for Human Rights* <www.ohchr.org/Documents/Publications/Chapter11-MHRM.pdf>.

⁵⁴ *Ibid.*

⁵⁵ See Boutruche, *supra* note 14 at 147.

form of assistance or perceived assistance.”⁵⁶ For example, one researcher noted: “what does informed consent mean in an isolated refugee camp with security problems and no proper interpreters?”⁵⁷ As such, providing compensation is often seen as coercive, particularly when paying individuals in vulnerable or perilous situations.⁵⁸ Providing compensation may “perpetuate the expectation that benefits accrue from consenting to be interviewed.”⁵⁹ Moreover, financial incentives may create precedent for incentivizing individuals to put themselves in dangerous situations in order to speak to human rights researchers.⁶⁰

The Question of Resources

It is also important to consider the political, legal, and bureaucratic environments in which INGO’s are situated, and the resulting resource constraints surrounding their work. Given the importance of protecting organizational independence and reputational legitimacy, INGOs engaged in human rights reporting have a limited pool of revenue sources and are therefore more financially vulnerable than other types of NGOs.⁶¹ Thus, even where organizations may be in favour of compensating witnesses for their stories, it may be too great of a financial burden to bear. The question of compensating witnesses for their stories cannot be examined without acknowledging that

⁵⁶ Cavallaro & Sridhar, *supra* note 52 at 493.

⁵⁷ Eileen Pittaway, Linda Bartolomei, & Richard Hugman, “ ‘Stop Stealing Our Stories’: The Ethics of Research with Vulnerable Groups” (2010) 2:2 J Human Rights Practice 229 at 234.

⁵⁸ See Amelia Hoover Green & Dara Kay Cohen, “Centering Human Subjects: The Ethics of ‘Desk Research’ on Political Violence” (2021) 6:2 J Global Security Studies 1 at 12.

⁵⁹ Kate Cronin-Furman & Milli Lake, “Ethics Abroad: Fieldwork in Fragile and Violent Contexts” (2018) 51:3 PS: Political Science & Politics 607 at 609.

⁶⁰ See Claire Wardle “How Newsrooms Use Eyewitness Media” in Ristovska S, Price M, eds, *Visual Imagery and Human Rights Practice* (Edinburgh: Palgrave Macmillan, Cham, 2018).

⁶¹ See Galina Goncharenko, “The accountability of advocacy NGOs: insights from the online community of practice” (2019) 43:1 Accounting Forum 135 at 139.

human rights NGOs have notorious reputations for relying on the unpaid work of volunteers and interns, as well as the free labour of their own employees who often work overtime.⁶²

Moreover, the role of compensation should also be questioned in the context of existing disparities between INGOs and local organizations. As Clifford Bob has written, “the grim realities of the global morality market leave many local aspirants helpless and neglected, painfully aware of international opportunities but lacking the resource, connections, or know-how needed to tap them.”⁶³ In a context where only large INGOs have the capacity to provide compensation for testimonies, such disparities may only be exacerbated, with INGOs retaining a monopoly on the reporting of human rights violations, and further undermining the goals of local movements. This is salient in a context where human rights reporting is increasingly replacing the role of some journalism.⁶⁴

The Benefits of Bearing Witness

Finally, human rights INGOs assign a therapeutic value to the interview process for witnesses, who are seen to be provided with a platform that they might not have otherwise.⁶⁵ For example, HRW’s website indicates that it “interviews victims and witnesses in order to give them an opportunity to have their voices and stories reach a wider audience.”⁶⁶ Creating space for individuals to share their experiences can certainly be beneficial: “the ability to give testimony can help victims to overcome this disempowerment in the sense that they have the opportunity to tell their story in their own way, thus controlling what is said and how

⁶² See J Sebastián Rodríguez-Alarcón & Valentina Montoya-Robledo, “The Unrestrained Corporatization and Professionalization of the Human Rights Field” (2019) 2:1 *Inter Gentes* 3 at 24.

⁶³ “Merchants of Morality” (2002) 29 *Foreign Policy* 36 at 45.

⁶⁴ See Dustin N Sharp, “Human Rights Fact-Finding and the Reproduction of Hierarchies” in Alston & Knuckey, *supra* note 4 69 at 76.

⁶⁵ See Claire Moon, “What One Sees and How One Files Seeing: Human Rights Reporting, Representation and Action” (2012) 46:5 *Sociology* 876 at 883.

⁶⁶ Human Rights Watch, *supra* note 48.

it is communicated.”⁶⁷ In this regard, the process of “being given a voice” is relied upon as the ultimate benefit witnesses can receive for sharing their story, displacing the necessity of providing other types of benefits, including financial compensation. Whether “being given a voice” is enough of a benefit to deny compensation, particularly when considering the harmful impacts human rights reporting may have on witnesses who choose to share, will be questioned below.

Conclusion

The prevalence of the arguments against compensation for testimonies does not negate that human rights reporters, researchers, and advocates have long recognized compensation as an inherent source of tension in their work. This is particularly true in contexts, as is often the case in human rights work, where researchers are interviewing individuals who are especially marginalized, including in conflict-zones. Although written about, academic research in conflict-affected states, rather than INGO work, scholars have emphasized that in the face of discomfort surrounding the extractive nature of interview processes, some researchers have offered compensation, feeling it was “they least they could do.”⁶⁸ But these concerns and efforts are washed away by the domineering wave of notions such as impartiality and objectivity within human rights fact-finding and reporting discourse and methodologies.

Consequently, although discomfort has persisted, to maintain carefully constructed legitimacy at the international level, the balance has tipped against compensation within human rights INGOs. This position has not been without resistance from witnesses who have been interviewed, many who have raised concerns about a lack of reciprocity. As one individual stated, “they say they can’t pay us [for research] because that would be unethical, but they take our dignity for free.”⁶⁹ A denial of dignity

⁶⁷ Joanna R Quinn, “Chapter 7: Thickening the Transitional Justice Strategy” in Joanna R Quinn, ed, *Thin Sympathy: A Strategy to Thicken Transitional Justice* (Philadelphia: University of Pennsylvania Press, 2021) 97 at 109.

⁶⁸ Cronin-Furman & Lake, *supra* note 59 at 609.

⁶⁹ *Ibid.*

strikes at the very core of human rights work:" if the ideal of human rights is to valorise human life and the human person, to empower then, then objectification ought to be a central problem."⁷⁰ Therefore, in assessing the ethics of compensation within human rights reporting, I will examine the impacts of on witnesses by first assessing the goals and impacts of international human rights work more broadly.

The Legitimacy of Human Rights Work

As Senthana Selvarajah has argued, human rights reporting and journalism "places a great deal of importance on addressing power imbalance in the society, to achieve a positive social change."⁷¹ Human rights work entails "the forging of factual accounts of that relationship and of its consequences for the parties involved."⁷² However, in addressing the imbalance of power, resources, and relationships, it is integral to interrogate the asymmetry of power that exists between the human rights researcher and a victim of a human rights violation sharing their testimony. Consequently, questions around compensation must be grounded in an assessment of the varying human rights strategies that rely on individual testimonies and their perceived legitimacy. Human rights reporting and advocacy have been criticized for various factors: namely, their removed position from local contexts, both through their geographic location and the elite nature of the industry, and, finally, the kinds of stories they tell. These criticisms will each be examined in turn.

⁷⁰ Luca Bonadiman, "Human Rights and Methodological Anxieties: A Critical Essay" (2018) 2:2 Peace Human Rights Governance 221 at 237.

⁷¹ "The Nexus Between Responsibility to Protect (R2P) and Human Rights Journalism (HRJ)" in Senthana Selvarajah, ed, *Human Rights Journalism and its Nexus to Responsibility to Protect* (Edinburgh: Palgrave Macmillan, Cham, 2020) 85 at 105.

⁷² Agnes Callamard, "Challenges to, and Manifesto for, Fact-Finding in a Time of Disinformation" (2020) 10:2 Notre Dame J Int'l Comp L 128 at 137.

INGOs as Removed Actors “Swooping In”: Geographic Location

INGOs have historically been, and continue to be, criticized for operating at a distance from the situations they are covering.⁷³ INGOs producing reports and doing advocacy are often based outside the countries they are monitoring.⁷⁴ To collect testimonies, victims are contacted “directly and randomly” through a variety of means: researchers may visit the places where victims live, contacts can be provided by local community NGO’s, and individuals may be contacted through social media, among others.⁷⁵

Given geographic considerations, testimonies are sometimes collected during a single visit. Absent systemic monitoring, the validity of such testimonies can sometimes be dubious.⁷⁶ Given that fact-finding can have grave consequences for the target country or people, the importance of “holistic accuracy,” which “requires deep-textured knowledge that can only come from close-engagement with the target population, usually on the ground” is further heightened.⁷⁷ Testimony collection on a “drop-in” basis prevents INGO’s from providing such holistic accounts. However, it is important to consider that the need for certainty and accuracy is often pitted against the need for urgency, particularly in perilous environments and where there is a lack of resources.⁷⁸ For knowledge to be considered relevant with the rights field, the fact-finding done by INGO’s “must be produced as quickly as possible.”⁷⁹

In the context of the “drop-in” methods frequently deployed by INGOs in collecting testimonies as described above, the relationship between the human rights researchers and those who

⁷³ See Makau Mutua, “Savages, Victims, and Saviors: The Metaphor of Human Rights” (2001) 42:1 Harv Int’l L J 201.

⁷⁴ See Bukovská, *supra* note 10 at 10.

⁷⁵ See *ibid.*

⁷⁶ See *ibid.*

⁷⁷ Obiora Okafor, “International Human Rights Fact-Finding Praxis: A TWAIL Perspective” in Alston & Knuckey, *supra* note 4 49 at 62.

⁷⁸ See Mégret, *supra* note 15 at 20.

⁷⁹ Morreira, *supra* note 20 at 100.

shared their testimonies often ends with the completion of the fact-finding mission.⁸⁰ With the relationship severed, “the victims are almost never subsequently visited and are not given help either with the documented problems or with the potential backlash that they might face because of the report.”⁸¹ In some instances, the reports produced by INGOs may even detrimentally impact the work of local groups and organizations, who are blamed for any backlash or increased media visibility.⁸² This is the case in countries, such as Ethiopia, which have passed laws that drastically restrict foreign funding to locally-operating human rights NGOs, resulting in a complete shut-down of the human rights sector.⁸³ Beyond the backlash that individuals or organizations may experience, the “naming and shaming” tactics often employed by human rights organizations may also result in counter-mobilizations in the form of mass social movements, popular ideology, and institutions, worsening the human rights situations that advocates were seeking to rectify.⁸⁴

Beyond the criticism of the “drop-in” approach and the lack of systemic monitoring, INGOs have also been criticized for their sustained partnerships with local NGOs and communities. INGO fact-finding has been described as an “extractive industry”: the Northern-based INGOs produce reports through information sourced by local groups, “reaping most of the credit in the process.”⁸⁵ In many instances, reports produced by INGOs are distributed “little further” than beyond a handful of international partners.⁸⁶

⁸⁰ See Bukovská, *supra* note 10 at 12.

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ See Kendra Dupuy & Aseem. Prakash, “Global Backlash against Foreign Funding to Domestic Nongovernmental Organizations” in Walter W Powell & Patricia Bromley, eds, *The Nonprofit Sector: A Research Handbook*, 3rd (Redwood City, CA: Stanford University Press, 2020) 618 at 625.

⁸⁴ See Jack Snyder, “Backlash against human rights shaming: emotions in groups” (2020) 12:1 *International Theory* 109 at 110.

⁸⁵ Sharp, *supra* note 64 at 78.

⁸⁶ *Ibid.*

INGOs as Removed Actors “Swooping In”: The Identities of Researchers

INGO's are not only removed from local contexts in a geographic sense, but are further distanced from local contexts through their elite professionalization. Though INGOs have worked to develop detailed informed consent protocols, with an emphasis on trauma-informed interviewing, many fact-finding missions reliant on individual testimonies are heavily composed of Western and Western-trained researchers or directed by people of this same background.⁸⁷ Although organizations such as HRW and AI have “made great strides” in hiring more staff from non-white or non-western backgrounds, many of these individuals have been trained in the same academic circles.⁸⁸ The prevalence of unpaid internships within human rights NGOs has contributed to this phenomenon—excluding people with many different types of qualifications from accessing career opportunities related to human rights.⁸⁹ Consequently, many human rights researchers are not only western but also come from elite, academic backgrounds, where human rights work has increasingly become a “certificate of privilege.”⁹⁰ This resembles Mutua's damning critique of the Western “saviour”, where INGOs are “the human rights movement's foot soldiers, missionaries, and proselytizers.”⁹¹ As a response to this, there has been an increased emphasis on diversifying INGO researcher personnel engaged in specific situations of reporting and advocacy. However, these efforts cannot displace the risk that human rights researchers from specific INGOs are “collectively the repositories of a particular world vision.”⁹²

The elite nature of the industry has been criticized through the narratives produced in human rights reporting, explored below, but have also impacted interview processes at the individual level. An interview entails complex issues of power,

⁸⁷ See Okafor, *supra* note 77 at 58.

⁸⁸ Sharp, *supra* note 64 at 72.

⁸⁹ See Rodríguez-Alarcón & Montoya-Robledo *supra* note 62 at 24.

⁹⁰ Bukovská, *supra* note 10 at 12.

⁹¹ Mutua, *supra* note 73 at 240.

⁹² Mégret, *supra* note 15 at 38.

consent, and trust, all of which can be heavily impacted by the identities of human rights researchers. Witnesses have described a range of concerns from foreign factfinders, including “fear of exploitation” and “mistrust of white researchers.”⁹³ As a member of Khulumani Support Group, a national organization for survivors of human rights violations committed during apartheid, noted about human rights researchers: “They are just white professionals who want to keep their jobs.”⁹⁴ The elite and western nature of human rights INGOs has reproduced power hierarchies and disempowered witnesses during interviews.

Savages, Victims, Saviours: The Kinds of Stories that INGOs like to Tell

Finally, the legitimacy and impact of human rights reporting must be examined through the kinds of stories it tells. As mentioned above, the construction of witness narratives underlying reporting and advocacy is not necessarily a subjective process concerned with the production of legitimacy. The narratives INGOs choose to advance are informed by media and funder interests among other factors, and consequently, the events and situations that draw INGO’s to collect witness testimonies are highly selective.⁹⁵ INGOs have developed detailed documents outlining “their criteria for selecting local causes, clients, and movements to which they will lend support.”⁹⁶

In this context, INGOs have been criticized for sensationalizing violent conflicts, given that “only spectacular episodes—usually violent ones—draw international media coverage.”⁹⁷ By focusing on violations that will sustain media attention, human rights INGOs have been compared to “firefighters” and “paramedics” reacting to human rights violations in the short term at the expense of addressing

⁹³ Cavallaro & Sridhar, *supra* note 52 at 495.

⁹⁴ Tshepo Madlingozi, “On Transitional Justice Entrepreneurs and the Production of Victims” (2010) 2:2, *J Human Rights Practice* 208 at 213.

⁹⁵ See Knuckey et al, “Power in Human Rights Advocate and Rightsholder Relationships: Critiques, Reforms, and Challenges” (2020) 33:1 *Harv Hum Rts J* 1 at 19 [Knuckey et al, “Power”].

⁹⁶ Bob, *supra* note 63 at 38.

⁹⁷ *Ibid* at 40.

longstanding roots of the violations.⁹⁸ Human rights reporting also often portrays individual losses and tragedies as embodying, and “putting the human face,” to larger events or situations.⁹⁹ Given the emphasis on direct victims and perpetrators, broader, structural components of injustice and conflict receive less attention.¹⁰⁰ Similarly, for testimonies to be aligned with ideas of objectivity and universality, they are further dislocated from social, especially political information that might jeopardize their perceived credibility.¹⁰¹ This is despite the reality that human rights fact-finding is often engaging with multifaceted situations “that defy linear storylines.”¹⁰² The impact this can have on witnesses, through the way their experiences can be “hidden” or misrepresented, will be further explored below.¹⁰³

In particular, much has been written about the focus of INGO human rights reporting and advocacy on non-western states, and the imperialist project of INGOs to “tame” and “civilize” the non-western cultural and political “savages.”¹⁰⁴ As Dustin Sharp writes: “As Amnesty International enters into its sixth decade, why do individuals from New York and London so often travel to document problems within the Global South, whereas the reverse is almost never true?”¹⁰⁵ Such narratives have contributed in creating an understanding of Third World cultures as “unqualifiedly and monolithically harmful to human rights.”¹⁰⁶

These criticisms have long prompted academics and researchers within the human rights field to assess the impact and success of international human rights work on a broad scale by

⁹⁸ Sarah Jackson, “Towards Transformative Solidarity: Reflections from Amnesty International’s Global Transition Programme” (2020) 34:3 *Emory Int’l L Rev* 705 at 723.

⁹⁹ Bake and Zöhrer, *supra* note 22 at 91.

¹⁰⁰ See Sharp, *supra* note 64 at 78.

¹⁰¹ See Moon, *supra* note 65 at 884.

¹⁰² Okafor, *supra* note 77 at 61.

¹⁰³ See Knuckey et al, “Power”, *supra* note 95 at 23.

¹⁰⁴ Mutua, *supra* note 73.

¹⁰⁵ Sharp, *supra* note 64 at 78.

¹⁰⁶ Okafor, *supra* note 77 at 56.

examining trends and establishing indicators.¹⁰⁷ But while these discussions often take place at a macro level, the impacts of human rights reporting on individuals are often pushed to the wayside. However, the perspectives of witnesses, and their experiences with fact-finding processes, are integral in mapping the role of compensation in human rights reporting moving forwards. So how do witnesses experience human rights reporting? What are the impacts of sharing their stories?

Short-Term and Long-Term Impacts on Witnesses

Human rights fact-finding and reporting can result in negative impacts on witnesses, including their revictimization through the both the interview process itself, as well as the narratives produced. These impacts are exacerbated when witnesses are denied ownership as partners in the production process.

Revictimized Through Interview

The act of sharing trauma can itself constitute a revictimization for an individual who chooses to come forward about a human rights violation. Witnesses often experience additional trauma when sharing their stories, a process which can take several hours at a time.¹⁰⁸ When witnesses are encouraged to think and speak primarily about the harm, deficits, and hardship in their lives, it can “blunt the hopes of survivors at a moment when hope is desperately needed.”¹⁰⁹ Researchers often fail to conduct trauma-informed interviewing by asking unnecessarily detailed questions about harm, failing to observe the impacts of the

¹⁰⁷ See Chaudhry, *supra* note 45.

¹⁰⁸ See Boutruche, *supra* note 14 at 146.

¹⁰⁹ Janine Natalya Clark, “Helping or harming? NGOs and victims/-survivors of conflict-related sexual violence in Bosnia-Herzegovina” (2019) 18:2 J Human Rights 246 at 254.

interview on the witness, failing to take breaks, or failing to take steps to refer witnesses to psychosocial support where needed.¹¹⁰

The preoccupation of human rights fact-finding with legitimacy and credibility can negatively impact witnesses as they recount human rights violations, worsening retraumatization. For example, fact-finders may gauge credibility by repeating the same questions in different ways, intensifying feelings of disempowerment in witnesses who perceive such attitudes as fact-finders doubting their testimonies.¹¹¹ Moreover, such retraumatization can take place without the therapeutic benefits that INGOs assign to speaking truth to power. For example, victims of rape may be stigmatized because “they are deemed to bring the community into ill-repute.”¹¹² Witnesses may also feel they have “lost control of their stories.”¹¹³

Revictimized through Narrative

While the interviewing process itself can retraumatize witnesses, so too can the narratives that human rights researchers ultimately construct in their reports. While INGOs can be seen as saviours, individuals who share their testimonies are not only portrayed as victims, but as a specific kind of victim: a “powerless, helpless, innocent whose naturalist attributes have been negated by the primitive and offensive action of the state.”¹¹⁴ Such portrayals of “incompetence, dependence, and weakness” can result in further victimization.¹¹⁵ Narratives centered on trauma can “easily become a collectivizing discourse that effectively homogenizes victims/survivors and their diverse experiences.”¹¹⁶ Such discourse can result in individuals conforming to stereotypes or further entrenching stereotypes about certain groups.¹¹⁷ The

¹¹⁰ See Knuckey et al, “Power”, *supra* note 95 at 18.

¹¹¹ See Boutruche, *supra* note 14 at 141.

¹¹² Moon, *supra* note 65 at 884.

¹¹³ *Ibid.*

¹¹⁴ Mutua, *supra* note 73 at 203.

¹¹⁵ Bukovská, *supra* note 10 at 10.

¹¹⁶ Clark, *supra* note 109 at 255.

¹¹⁷ See Bukovská, *supra* note 10 at 10.

tendency of statements to be detached from contextual interpretation can fail to address the structural conditions and consequences underlying the harm the witness experience.¹¹⁸

Moreover, while reports are generally focused on the experiences of abuse or harm, an individual's full story can include "experiences or surviving, thriving, and overcoming."¹¹⁹ As Knuckey et al. have written, "while advocates may see it as strategically useful to define rightsholders primarily in relation to an act of abuse, the agency and powers that rightsholders have and deploy in response to human rights violations is marginalized."¹²⁰ Ultimately, it has been argued such narratives are not primarily focused on promoting the interests and rights of witnesses, but instead on serving the interests of the INGOs producing the reports.¹²¹ This aspect of "speaking for others" has been described as an "inherently voyeuristic or pornographic practice, that no matter how carefully or sensitively it is done, transforms the position of the victim in his or her society and produces a language of victimization from or her to speak on the international stage."¹²²

The Agency of Witnesses

The types of narratives that are produced, and the harm that results from them, is intricately related to the extent to which witnesses have ownership over their own stories and their involvement in the process. The principle of informed consent, as outlined by the OCHCR guidelines, and research training for various INGOs was created in part to provide "victims with the opportunity to have ownership over their stories."¹²³ However, in a context where complex reports are prepared by outside researchers, individual stories are used as sources of material for

¹¹⁸ See Moon, *supra* note 65 at 884.

¹¹⁹ Karen Countryman-Roswurm & Bailey Patton Brackin, "Awareness Without Re-Exploitation: Empowering Approaches to Sharing the Message About Human Trafficking" (2017) 3:4 J Human Trafficking 327 at 328.

¹²⁰ Knuckey et al, "Power", *supra* note 95 at 20.

¹²¹ See Bukovská, *supra* note 10 at 10.

¹²² Orentlicher, *supra* note 24 at 514.

¹²³ Boutruche, *supra* note 14 at 149.

reports and witnesses are denied opportunities to have an active role in the production of their own narratives.¹²⁴

There are many ways that witnesses have been documented to have agency in interview processes and in their relationships with human rights researchers. Bukovská writes that in many instances, the approach of those conducting interviews is disrespectful towards witnesses: “they are unable to explain who they are, what they are doing and why, and what will happen with the information provided.”¹²⁵ For example, witnesses may not be aware that when a story is published, the personal details contained in the report will continue to be available long past its publication.¹²⁶ Similarly, witnesses are not always presented with the opportunity to view how their story is used in a report before publication to ensure it is aligned with their personal experience.¹²⁷ In efforts to ensure that the narratives presented are deemed legitimate within global human rights frameworks, INGOs will even frame stories differently from the witnesses themselves.¹²⁸ Similarly, while there have been rhetorical shifts from describing trauma “victims” to “survivors,” when such language is not the preference of the person interviewed, it can represent a further denial of agency.¹²⁹ Though witnesses may spend hours describing their experience in detail, much of their stories may be excluded given a larger institutional push to make fact-finding reports shorter and more accessible.¹³⁰ Witnesses may be alienated as their experiences are repackaged into a “legal format and using legal jargon.”¹³¹ Moreover, human rights fact-finding processes may be unaccountable to witnesses when INGOs do not share the findings or reports, or report back in

¹²⁴ See Bukovská, *supra* note 10 at 11.

¹²⁵ *Ibid.*

¹²⁶ See Countryman-Roswurm & Patton Brackin, *supra* note 119 at 331.

¹²⁷ See *ibid* at 333.

¹²⁸ See Engle Merry, *supra* note 39 at 215.

¹²⁹ See Brianna C Delker, Rowan Salton & Kate C McLean, “Giving Voice to Silence: Empowerment and Disempowerment in the Developmental Shift from Trauma ‘Victim’ to ‘Survivor-Advocate’ ” (2020) 21:2 J Trauma Dissociation 242 at 248.

¹³⁰ See Sharp, *supra* note 64 at 75.

¹³¹ Orentlicher, *supra* note 24 at 514.

language that is inaccessible.¹³² Such processes, where human rights researchers maintain control over witnesses rather than creating environments where they are partners in the process of producing a report, can represent a new form of victimization.¹³³ Leaving witnesses “feeling used,” this can disincentivize participation in fact-finding processes.¹³⁴ Such denials of ownership are exacerbated by the fact that in most instances, witnesses either do not have the personal and financial resources to publish and use such reports or engage in advocacy at the international level.¹³⁵

Ultimately, the construction of INGO legitimacy often comes at the expense of the individuals’ human rights INGOs are purporting to protect. By focusing on obtaining reliable and credible testimony, and crafting linear and palatable narratives, human rights advocates often “lose sight of the goals and perspectives” of witnesses, whose interests are sacrificed.¹³⁶ Faced with the negative consequences survivors of human rights abuses experience when their testimonies are collected and utilized in reporting and advocacy, the ethics of compensating individuals for their stories must be reevaluated.

The Argument for Compensation

Beyond accounting for the negative impacts that witnesses can experience throughout human rights interviewing and reporting processes, there are two other important reasons why witnesses should be compensated. Firstly, bearing witness should be understood as labour, given the time, energy, and knowledge witnesses expend when recounting their stories of human rights violations. Secondly, compensation should not be seen as an obstacle to ensuring the trustworthiness or credibility of source,

¹³² See Knuckey et al, “Power”, *supra* note 95 at 10.

¹³³ See Bukovská, *supra* note 10 at 11.

¹³⁴ See Knuckey et al, “Power”, *supra* note 95 at 19.

¹³⁵ See Bukovská, *supra* note 10 at 11.

¹³⁶ Booth Walling, *supra* note 3 at 386

but rather as a means of establishing trust within relationships with witnesses.

Compensation and Labour

While human rights INGOs may tout the therapeutic moral value in “being given a voice,” it might be more appropriate to view the time witnesses expend in recounting their experiences with human rights violations as *labour*. When the weight of recounting a human rights violation is understood as labour, the role of witnesses can be compared to those of “beneficiary workers,” who work within humanitarian response industries aimed at securing human rights without receiving compensation.¹³⁷ Reducing the act of bearing witness to “being given a voice” obscures the labour witnesses undertake in recounting what are often traumatic experiences and discounts the necessity of their role to the advocacy human rights INGOs are built on. Though sharing stories can be an empowering experience, “without concrete gains, [victims] may end up feeling that they were merely pawns in a ... process over which they had little say.”¹³⁸ Recognizing the labour witnesses undertake by providing compensation is a more empowering approach, but also a more honest understanding of the fact-finding process.

In compiling considerations for agencies that utilize the stories of survivors of human trafficking, Karen Countryman-Roswurm and Bailey Patton Brackin ask: “How is the survivor being compensated for their time and for sharing their story? If so, are they being compensated in a manner that I would expect to be paid for sharing my own expertise?”¹³⁹ They contend that rather than being recognized and compensated as leaders and experts in the anti-trafficking movement, witnesses are exploited in the pursuit of stories with the desired emotional weight. Compensating witnesses, considering their expertise on the subject matter of their experience, helps to displace the divide that

¹³⁷ Lauren Carruth & Scott J Freeman, “Aid or exploitation?: Food-for-work, cash-for-work, and the production of “beneficiary-workers” in Ethiopia and Haiti” (2020) *World Development* 1-11.

¹³⁸ Quinn, *supra* note 67 at 109.

¹³⁹ Countryman-Roswurm & Bailey Patton Brackin, *supra* note 119 at 331.

exists between human rights researchers, who are positioned as the only “experts” with authority over human rights discourses, and witnesses.¹⁴⁰ When compensated, witnesses may be better positioned to negotiate the terms of the labour, providing them with greater ownership over how their stories are framed and used. It enables both researchers, but also witnesses, to accord themselves agency in control of their own narratives.

That human rights researchers build careers through reporting the stories of witnesses only elevates the importance of compensating witnesses in the context of testimony as labour. Compensating witnesses acknowledges their direct contribution to the work but may also have wider benefits for human rights researchers. Various studies have made links between human rights work and its impact on the mental health of researchers and advocates. Compensation should not only be considered in its benefits for witnesses: “one of the risk factors for burnout is an individual’s cognitive dissonance between their values and actions compounded by a perceived gap between what their organization espouses and practices.”¹⁴¹ For INGOs with the resources to make routine compensation possible, this could be remedied.

Compensation and Trust

Beyond reconceptualizing bearing witness from a voluntary act to a form of labour, we must also contend with the idea that compensating witnesses inherently makes their testimony less credible.¹⁴² Jade Begay, a former senior producer for Indigenous Rising Media has stated: “how can we shift the assumption that just because we’re offering someone compensation for their time [means] that we’re having them say the things we want them to say? Can we just trust somebody’s story?”¹⁴³ With this perspective,

¹⁴⁰ See Evans, *supra* note 44 at 1050.

¹⁴¹ Jackson, *supra* note 98 at 752.

¹⁴² See Countryman-Roswurm & Bailey Patton Brackin, *supra* note 119 at 328.

¹⁴³ Natalie Yahr, “Why Should I Tell You?: A Guide to Less-Extractive Reporting What vulnerable communities stand to gain – or lose – from sharing their stories with reporters, and what reporters are doing about it” (last visited 31 August 2022), online: *University of Wisconsin-Madison, School of Journalism and Mass Communication, Center for Journalism Ethics*

decisions not to compensate represent a lack of acknowledgment of the labour that witnesses perform, and a lack of trust in the testimonies given. This skepticism can alienate witnesses from human rights researchers and further disempower them.

To trust witnesses, all while providing compensation, might not be as sharp of a threat to the legitimacy of human rights fact-finding as it seems. Though human rights researchers have long been wary of offering compensation at the risk of individuals agreeing to be interviewed for the wrong reasons even testimonies, that are made in good faith may not be accurate, “as witnesses confuse their perceptions and facts, or are betrayed by their memory, or allow their worldview to colour their rendition of facts.”¹⁴⁴ Compensation has been closely scrutinized for impacting the credibility of information witnesses provide, but it exists within a constellation of factors with similar bearing on the “truthfulness” of witness testimony.

When the process of fact-finding is viewed as a means of constructing facts in a particular way, rather than teasing out an inherent objective truth, human rights organizations may be better positioned to focus on their relationship with those who have been violated by human rights rather than being preoccupied with establishing credibility. Rather than being viewed as way to undermine the trustworthiness of the information, compensation can instead be seen as a vehicle to strengthen the trust between researchers and witnesses. Compensating witnesses can play a role in recognizing the value of their contribution, as well as helping to “justify the risk they’re taking by telling their story.”¹⁴⁵

The legitimacy underlying fact-finding processes can be redefined from emphasizing neutrality and objectivity to reciprocity and trust. Compensation can be a powerful tool to aid in rectifying power imbalances between researchers and witnesses. But how might this be actualized in practice?

ethics.journalism.wisc.edu/why-should-i-tell-you-a-guide-to-less-extractive-reporting/.

¹⁴⁴ Mégret, *supra* note 15 at 33.

¹⁴⁵ Yahr, *supra* note 143.

Paths Forward

The principle of reciprocity suggests that the risks and costs associated with participating in fact-finding processes can be mitigated by direct, tangible benefits to witnesses involved.¹⁴⁶ However, there remains little guidance on how researchers should negotiate such benefits with witnesses, and as highlighted above, current funding arrangements typically fall short of providing the INGOs with the requisite resources.¹⁴⁷ So what are examples of ways organizations are paying witnesses for sharing their stories? How can witnesses be honoured as experts? Little research exists on the topic and researching ethical models for compensation should be a priority concern for organizations moving forward. However, several considerations are outlined below.

Co-Production and Self-Advocacy

To facilitate co-production and reciprocity between human rights researchers and witnesses, certain organizations have used technology to enable witnesses to collect data and share evidence.¹⁴⁸ For example, Witness has worked for decades to provide local communities with the training and technological tools to document human rights abuses.¹⁴⁹ Such co-production initiatives have been celebrated for democratizing fact-finding and bolstering local grass-roots mobilization.¹⁵⁰ When witnesses are technologically empowered, the disparity between “researcher” and “research subjects” becomes less clear, as there is now an opportunity for witnesses to actively participate in the fact-finding process.¹⁵¹ Photographic and video evidence can also be more detailed and reliable than narratives witnesses provide

¹⁴⁶ See Pittaway, Bartolomei & Hugman, *supra* note 57 at 234

¹⁴⁷ See *ibid.*

¹⁴⁸ See Knuckey et al, “Power”, *supra* note 95 at 44.

¹⁴⁹ See Molly K Land, “Democratizing Human Rights Fact-finding” in Alston & Knuckey, *supra* note 4 309 at 415.

¹⁵⁰ See *ibid* at 309.

¹⁵¹ See Ronald Niezen, *#HumanRights: The Technologies and Politics of Justice Claims in Practice* (Stanford University Press, July 2020) 1 at 90.

from memory.¹⁵² However, such examples of co-production typically take place between INGOs and local NGOs, who then work with community members, who typically view themselves as advocates, rather than between an INGOs and individual witnesses.

Thus, while such co-production and capacity building initiatives “hold some promise for democratizing NGO fact-finding,” at least between INGOs and local NGOs, they do not address how individual labour can be accounted for.¹⁵³ Witnesses who recount testimonies for human rights reports may not always be connected to NGOs benefitting from co-production partnerships from INGOs. Witnesses may not consider themselves to be advocates or want to participate in human rights advocacy beyond recounting their experience. In some instances, it may be too risky for even local activists to become visibly and vocally involved with human rights issues.¹⁵⁴

By compensating witnesses by providing technology or other trainings, INGOs set the terms of the compensation, which center around strengthening human rights fact-finding as discourse as they see it. Instead, providing individuals with direct financial support gives them the agency to spend the money as they see fit. This does not downplay the importance of partnership building between local NGOs and INGOs and the transformative power of participatory fact-finding, but rather highlights their inadequacy as a means of compensating individual witnesses when they share their stories.

Compensation Case by Case Basis

Mandating compensation for witnesses in human rights fact-finding across the board may not be appropriate, as INGOs have correctly highlighted that different contexts call for different strategies. An appropriate means of compensation in one social or cultural context may be wholly inappropriate in another. Resultingly, it is important that human rights researchers plan

¹⁵² See *Ibid.*

¹⁵³ Sharp, *supra* note 64 at 80.

¹⁵⁴ See Morten Koch Andersen, “Filtering Information: Human Rights Documentation in Bangladesh” (2019) 11:1 J Human Rights Practice 73 at 89.

accordingly to ensure that the compensation offered to witnesses is culturally significant. For example, Begay notes that when she interviews members of other Indigenous communities, she tries to find out what they use to pray to offer it as a token of her appreciation.¹⁵⁵ In mapping out avenues for compensation, it is also important to consider the practical costs that are often incumbent on witnesses when engaging in fact-finding processes. Witnesses are often required to travel for interviews, for example, when they need to travel to a safer location.¹⁵⁶ Knuckey et al. recommend that human rights advocates facilitate the direct involvement of witnesses in human rights advocacy by financially supporting their travel, not only to interviews, but also to other forums where they might be able to present their concerns and recommendations.¹⁵⁷ Similarly, given that recounting harmful experiences can be a traumatic process, human rights organizations should be prepared to refer witnesses to psychological support, while making efforts to help cover the costs.¹⁵⁸ Ultimately, there is no one size fits all approach, but there are numerous ways human rights researchers, who routinely conduct extensive background into local political, social and cultural contexts, can integrate compensation into their planning and preparation.¹⁵⁹

Thinking Beyond Compensation

It is also essential to consider that the role of compensation is inadequate without broader structural changes to how INGOs interact with witnesses. Although compensation can play a key role in providing a witness with heightened ownership over how their story is used in human rights reports, as well as enabling greater trust between researchers and witnesses, it does not dispense INGOs of the need to provide other support. Compensating witnesses would be meaningless if harmful interviewing patterns continue to be replicated, such as where INGOs fail to follow-up with witnesses and local communities after

¹⁵⁵ See Yahr, *supra* note 143.

¹⁵⁶ See Boutruche, *supra* note 14 at 146.

¹⁵⁷ See “Power”, *supra* note 95 at 47.

¹⁵⁸ See *ibid* at 45.

¹⁵⁹ See Booth Walling, *supra* note 3 at 385.

reports have been published. Other examples include the failure of INGO's to ensure their researchers receive training in trauma-informed interviewing.¹⁶⁰ Resultingly, INGOs should continue to develop and invest in strategies that make the entire interview process a safe and empowering experience for witnesses.

Moreover, helping individuals is a piecemeal approach that disregards how broader social, political, and economic environments shape how individuals navigate and negotiate what they need.¹⁶¹ International human rights law has long been criticized for its focus on individuals as rights-bearers to the exclusion of considering collective and structural issues.¹⁶² A myopic focus on compensation can further entrench a system of international human rights that is primarily concerned with empowering individuals as market agents.¹⁶³ Thus, although compensation remains an important consideration for ethical human rights reporting, INGOs should reflect on strategies that will permit them to meaningfully engage with the criticism facing international human rights institutions. As Dustin Sharp has written, human rights INGOs might "engage more with constituency building, mobilization, creative alliances, and helping to generate a sense of solidarity needed to support human rights governance."¹⁶⁴ However, providing compensation on a routine basis might challenge the notions surrounding what is considered "legitimate" human rights reporting and advocacy. This might allow INGO human rights reporting to understand issues "as multidimensional and intersectional" in a way that allows "news forms of knowledge and truth" to emerge, pushing human rights advocacy beyond its traditionally narrow focus.¹⁶⁵

¹⁶⁰ See Knuckey et al, "Power", *supra* note 95 at 45.

¹⁶¹ See Clark, *supra* note 109 at 258.

¹⁶² See David Kennedy, "International Human Rights Movement: Part of the Problem?" (2002) 15 Harv Hum Rts J 101 at 112.

¹⁶³ See Evans, *supra* note 44 at 1066.

¹⁶⁴ "Pragmatism and Multidimensionality in Human Rights Advocacy (2018) 40:3 Hum Rts Q 499 at 510.

¹⁶⁵ Elizabeth F Drexler, "Speaking truth to power in a post-truth era: Multidimensional and intersectional justice" (2020) 36 Anthropology Today 4 at 6.

Conclusion

The context in which witnesses share their stories are of the utmost importance. Although discussions surrounding the power imbalances between human rights researchers and victims of human rights abuses, and means to facilitate their empowerment, have long pervaded human rights discourse, the role of compensation has been wholly neglected. This persists despite negative impacts of human rights reporting having been well documented, including its frequently retraumatizing effects, and the lack of participation afforded to witnesses in producing reports. When the impacts of these interviews on witnesses are examined, INGOs claims to legitimacy ring hollow.

Compensation may provide witnesses with control over their stories, control that they have long been denied. The decision to compensate witnesses for sharing their stories can acknowledge the labour that is undertaken when their experiences are recounted, honouring them as experts in their situations. Compensation may also provide witnesses with more opportunity to participate in producing the reports their stories will feature in, facilitating greater trust with human rights researchers, who become partners in the process, rather than the sole leaders. There is no clear roadmap for how compensating witnesses may be operationalized by INGOs. And, in an ecosystem that is often driven by funder interests, compensating witnesses may prompt difficult conversations. But for human rights INGOs to embrace work that is more honest about their fact-finding methods, and more reciprocal to the individuals they are claiming to represent, these are necessary conversations.

Bibliography

SECONDARY MATERIAL: MONOGRAPHS

- Bogert, Carroll, "Human Rights Advocacy in Global Governance: A Case Study of Human Rights Watch" in James P. Muldoon, JoAnn Fagot Aviel, Richard Reitano & Earl Sullivan, eds, *The New Dynamics of Multilateralism: Diplomacy, International Organizations, and Global Governance* (Boulder, CO: Taylor & Francis Group, 2010).
- Boutruche, Théo "The Relationship between Fact-Finders and Witnesses in Human Rights Fact-Finding: What Place for the Victims?" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Dupuy, Kendra & Aseem. Prakash "Global Backlash against Foreign Funding to Domestic Nongovernmental Organizations" in Walter W Powell & Patricia Bromley, eds, *The Nonprofit Sector: A Research Handbook*, 3rd ed (Redwood City, CA: Stanford University Press, 2020).
- Grace, Rob & Claude Bruderlein, "Developing Norms of Professional Practice in the Domain of Monitoring, Reporting, and Fact-Finding" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Land, Molly K, "Democratizing Human Rights Fact-finding" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Lu, Xiaoyu, "Personalising Human Rights" in Xiaoyu Lu, ed, *Norms, Storytelling and International Institutions in China: The Imperative to Narrate* (Springer, 2021).
- Mégret, Frédéric "Do Facts Exist, Can They Be 'Found,' and Does It Matter?" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Mégret, Frédéric, "International human rights law theory" in Alexander Orakhelashvili, ed, *Research Handbook on the Theory and History of International Law* (Cheltenham, UK: Edward Elgar Publishing, 2020).

- Morreira, Shannon, "Chapter 3: Producing Knowledge about Human Rights in Harare" in Shannon Morreira, ed, *Rights After Wrongs: Local Knowledge and Human Rights in Zimbabwe* (Redwood City, CA: Stanford University Press, 2016).
- Niezen, Ronald, *#HumanRights: The Technologies and Politics of Justice Claims in Practice* (Stanford University Press, July 2020).
- Okafor, Obiora, "International Human Rights Fact-Finding Praxis: A TWAIL Perspective" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Orentlicher, Diane, "International Norms in Human Rights Fact-Finding" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Quinn, Joanna R, "Chapter 7: Thickening the Transitional Justice Strategy" in Joanna R Quinn, ed, *Thin Sympathy: A Strategy to Thicken Transitional Justice* (Philadelphia: University of Pennsylvania Press, 2021).
- Rothenberg, Daniel, "The Complex Truth of Testimony: A Case Study of Human Rights Fact-Finding in Iraq" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Selvarajah, Senthana, "The Nexus Between Responsibility to Protect (R2P) and Human Rights Journalism (HRJ)" in Senthana Selvarajah, ed, *Human Rights Journalism and its Nexus to Responsibility to Protect* (Edinburgh: Palgrave Macmillan, Cham, 2020).
- Sharp, Dustin N, "Human Rights Fact-Finding and the Reproduction of Hierarchies" in Philip Alston & Sarah Knuckey, eds, *The Transformation of Human Rights Fact-Finding* (New York: Oxford University Press, 2016).
- Spiro, Peter J, "NGOs and Human Rights: Channels of Power" in Sarah Joseph & Adam McBeth, eds, *Research Handbook on International Human Rights Law* (Cheltenham, UK: Edward Elgar, 2010).
- Wardle, Claire, "How Newsrooms Use Eyewitness Media" in Ristovska S, Price M, eds, *Visual Imagery and Human Rights Practice* (Edinburgh: Palgrave Macmillan, Cham, 2018).

Wright, Katherine "NGOs as News Organizations" in H Orenbring & H Wasserman, *Oxford Research Encyclopedia of Communication* (Oxford, UK: Oxford University Press, 2019).

SECONDARY MATERIAL: ARTICLES

Bake, Julika & Michaela Zöhrer, "Telling the stories of others: claims of authenticity in human rights reporting and comics journalism" (2017) 11:1 *Journal of Intervention and Statebuilding*.

Bob, Clifford, "Merchants of Morality" (2002) 29 *Foreign Policy* 36.

Bonadiman, Luca, "Human Rights and Methodological Anxieties: A Critical Essay" (2018) 2:2 *Peace Human Rights Governance* 221.

Booth Walling, Carrie, "Insights on victim testimony and transitional justice: A response to Angelina Snodgrass Godoy" (2018) 17:3 *Journal of Human Rights Law*.

Bukovská, Barbora, "Perpetrating Good: Unintended Consequences of International Human Rights Advocacy" (2008) 5:9 *Sur Rev int derechos human* 6.

Callamard, Agnes, "Challenges to, and Manifesto for, Fact-Finding in a Time of Disinformation" (2020) 10:2 *Notre Dame J Int'l Comp L* 128.

Carruth, Lauren & Scott J Freeman, "Aid or exploitation?: Food-for-work, cash-for-work, and the production of "beneficiary-workers" in Ethiopia and Haiti" (2020) *World Development*.

Cavallaro, James L & Meghna Sridhar, "Reducing Bias in Human Rights Fact-Finding: The Potential of the Clinical Simulation Model to Overcome Ethical, Practical, and Cultural Tensions in 'Foreign' Contexts" (2020) 42:2 *Human Rights Q* 488.

Chaudhry, Suparna, "Bridging the Gap: The Relationship between INGO Activism and Human Rights Indicators" (2018) 18:1 *J Human Rights*.

Cochrane, Logan & John-Michael Davis, "Scaling the INGO: What the Development and Expansion of Canadian INGOs Tells Us" (2020) 9:14 *Soc Sci* 1.

Clark, Janine Natalya, "Helping or harming? NGOs and victims/-survivors of conflict-related sexual violence in Bosnia-Herzegovina" (2019) 18:2 *J Human Rights* 246.

- Countryman-Roswurm, Karen & Bailey Patton Brackin, "Awareness Without Re-Exploitation: Empowering Approaches to Sharing the Message About Human Trafficking" (2017) 3:4 J Human Trafficking 327.
- Cronin-Furman, Kate & Milli Lake "Ethics Abroad: Fieldwork in Fragile and Violent Contexts" (2018) 51:3 PS: Political Science & Politics 607.
- D'Alessandra, Federica, "The Accountability Turn in Third Wave Human Rights Fact-Finding" (2017) 33:84 Utrecht J of Intl European L 59.
- Delker, Brianna C, Rowan Salton & Kate C McLean, "Giving Voice to Silence: Empowerment and Disempowerment in the Developmental Shift from Trauma 'Victim' to 'Survivor-Advocate' " (2020) 21:2 J Trauma Dissociation 242.
- Drexler, Elizabeth F "Speaking truth to power in a post-truth era: Multidimensional and intersectional justice" (2020) 36 Anthropology Today 4.
- Engle Merry, Sally, "Transnational Human Rights and Local Activism: Mapping the Middle" (2006) 108 American Anthropologist 38.
- Evans, Tony, "International Human Rights Law as Power/Knowledge" (2005) 27:3 Hum Rts Q.
- Goncharenko, Galina, "The accountability of advocacy NGOs: insights from the online community of practice" (2019) 43:1 Accounting Forum 135.
- Hoover Green, Amelia & Dara Kay Cohen, "Centering Human Subjects: The Ethics of 'Desk Research' on Political Violence" (2021) 6:2 J Global Security Studies.
- Jackson, Sarah, "Towards Transformative Solidarity: Reflections from Amnesty International's Global Transition Programme" (2020) 34:3 Emory Int'l L Rev 705.
- Kennedy, David, "International Human Rights Movement: Part of the Problem?" (2002) 15 Harv Hum Rts J 101.
- Knuckey, Sarah, et al, "Power in Human Rights Advocate and Rightsholder Relationships: Critiques, Reforms, and Challenges" (2020) 33:1 Harv Hum Rts J 1.
- Knuckey, Sarah et al, "Advancing Socioeconomic Rights Through Interdisciplinary Factfinding: Opportunities and Challenges" (2021) 17:1 Annual Rev L and Soc Science 375.

- Koch Andersen, Morten, "Filtering Information: Human Rights Documentation in Bangladesh" (2019) 11:1 J Human Rights Practice 73.
- Madlingozi, Tshepo, "On Transitional Justice Entrepreneurs and the Production of Victims" (2010) 2:2, J Human Rights Practice 208.
- Moon, Claire, "What One Sees and How One Files Seeing: Human Rights Reporting, Representation and Action" (2012) 46:5 Sociology 876.
- Mutua, Makau, "Savages, Victims, and Saviors: The Metaphor of Human Rights" (2001) 42:1 Harv Int'l LJ 201.
- Pittaway, Eileen, Linda Bartolomei, & Richard Hugman, "'Stop Stealing Our Stories': The Ethics of Research with Vulnerable Groups" (2010) 2:2 J Human Rights Practice.
- Rodríguez-Alarcón, J Sebastián & Valentina Montoya-Robledo, "The Unrestrained Corporatization and Professionalization of the Human Rights Field" (2019) 2:1 Inter Gentes 3.
- Sharp, Dustin N, "Pragmatism and Multidimensionality in Human Rights Advocacy" (2018) 40:3 Hum Rts Q 499.
- Snyder, Jack, "Backlash against human rights shaming: emotions in groups" (2020) 12:1 International Theory 109.
- Turnhout, Esther, et al, "The politics of co-production: participation, power, and transformation" (2020) 15 Current Opinion in Environmental Sustainability 42.

SECONDARY MATERIAL: OTHER

- "About Our Research" (last visited 31 August 2022), online: *Human Rights Watch* <www.hrw.org/about/about-us/about-our-research#7>.
- "Frequently Asked Questions" (last visited 31 August 2022), online: *Human Rights Watch* <www.hrw.org/about/about-us/frequently-asked-questions#14>.
- OHCHR, "Chapter 11: Interviewing, Manual on Human Rights Monitoring" (last visited 31 August 2022), online (pdf): *UN High Commissioner for Human Rights* <www.ohchr.org/Documents/Publications/Chapter11-MHRM.pdf>.

Olson, Henrietta, *Whose Stories Do They Tell? An analysis of the creation of the concept of victim in the reports by Human Rights Watch and Kvinna till Kvinna Foundation* (Master Dissertation, Uppsala University, 2017) [unpublished].

Spannagel, Ellen, "People with Disabilities Needed in Global Efforts to Combat Climate Change" (5 November 2021), online: *Human Rights Watch* <www.hrw.org/news/2021/11/05/people-disabilities-needed-global-efforts-combat-climate-change>.

"Statement by Gabrielle Peters at the UN Climate Change Conference (COP26) on November 5, 2021" (5 November 21), online: *Human Rights Watch* <www.hrw.org/news/2021/11/05/statement-gabrielle-peters-un-climate-change-conference-cop26-november-5-2021>.

Yahr, Natalie, "Why Should I Tell You?: A Guide to Less-Extractive Reporting What vulnerable communities stand to gain – or lose – from sharing their stories with reporters, and what reporters are doing about it" (last visited 31 August 2022), online: *University of Wisconsin-Madison, School of Journalism and Mass Communication, Center for Journalism Ethics* <ethics.journalism.wisc.edu/why-should-i-tell-you-a-guide-to-less-extractive-reporting/>.