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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.” 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).

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<sup>1</sup> “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](https://www.hrw.org/news/2021/11/05/statement-gabrielle-peters-un-climate-change-conference)>

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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,

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



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state.” Similarly, organizations such as HRW and AI



limiting demands on authorities, and possibly excluding significant groups and their demands from the movement.” It is crucial to consider that what is understood to be “legitimate fact-finding” and legitimate human rights discourse is shaped by financial

INGO's conducting fact-finding have long been criticized for their absence of consistent interviewing methodologies. 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. Despite the lack of consistent interviewing methodologies, INGOs relying on witness testimonies are reluctant to pay their sources. For example, while





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

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.

human rights NGOs have notorious reputations for relying on the

it is communicated.” 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.

### C

The prevalence of the arguments against compensation for testimonies does not negate that human rights reporters,

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 them, then objectification ought to be a central problem.” 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.

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INGOs have historically been, and continue to be, criticized for operating at a distance from the situations they are covering. INGOs producing reports and doing advocacy are often based outside the countries they are monitoring. 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.

Given geographic considerations, testimonies are sometimes collected during a single visit. Absent systemic monitoring, the validity of such testimonies can sometimes be dubious. 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-

shared their testimonies often ends with the completion of the fact-finding mission. 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.” 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. 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.

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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.” 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.” The elite and western nature of human rights INGOs has reproduced power hierarchies and disempowered witnesses during interviews.

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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. INGOs have developed detailed documents outlining “their criteria for select







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

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. 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.” Witnesses may also feel they have “lost control of their stories.”

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.” Such portrayals of “incompetence, dependence, and weakness” can result in further victimization. Narratives centered on trauma can “easily become a collectivizing discourse that effectively homogenizes victims/survivors and their diverse experiences.” Such discourse can result in individuals conforming to stereotypes

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

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." 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." 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. 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."

## A

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

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

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



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

C

While human rights INGOs may tout the therapeutic moral

exists between human rights researchers, who are positioned as the only “experts” with authority over human rights discourses, and witnesses. 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.” For 1/7694Tf ( ) 5link1TT2644oTf ( Tf (1TTf)-q0.24



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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.

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. 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. 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

from memory. 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

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. 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. 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. Similarly, given that recounting harmful experiences can be a traumatic process, human rights organizations should be prepared to refer

reports have been published. Other examples include the failure of INGO's to ensure their researchers receive training in trauma-informed interviewing. 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. 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. A myopic focus on compensation can further entrench a system of international human rights that is primarily concerned with empowering individuals as market agents. 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." 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.

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<sup>160</sup> See Knuckey et al, "Power", *supra* note 95 at 45.

<sup>161</sup> See Clark, *supra* note 109 at 258.

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

<sup>163</sup> See

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.

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