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COMMENTARY

Improving human rights NGO ethics and accountability: A critique of Amnesty International and Human Rights Watch and human rights utopianism

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Abstract

This commentary calls for a more critical relationship with human rights NGOs, specifically, Amnesty International and Human Rights Watch. I argue that their politics, positionality, and power are often obscured by their conflation as intrinsically imperfect organizations that yield power and influence with the moral principles of human rights and with international human rights law itself, which are popularly perceived as unimpeachable and sacred in a secular ethical way. I contend that this conflation—often a deliberate and strategic one espoused by the organizations themselves—undermines the integrity of their work and the capacity to hold them accountable for their human rights advocacy. I illustrate ways in which both organizations have neglected to respect human rights and, specifically, principles of equality and universality. I further argue that both organizations need to be humbler and more honest about the moral, legal, and practical limitations of their work and ways in which it can be compromised. This is due to the exigencies of donor dependency and the politics of fundraising, the social, cultural, and political contexts in which the organizations operate and the expectations and demands of their supporters, and the nature of human rights as a movement, body of law, and expression of moral idealism that can sometimes obscure its prejudices, assumptions, and pathologies of power.

KEYWORDS

Amnesty International, discrimination, ethics, human rights, Human Rights Watch, international organizations, law, NGOs, power, prejudice, racism, Ukraine

HUMAN RIGHTS PRINCIPLES AND LAWS AND HUMAN RIGHTS ORGANIZATIONS: ACKNOWLEDGING THE GAP

There is a tendency sometimes to conflate human rights organizations with human rights values and principles themselves and human rights organizations with international human rights law itself. I argue here that this is a mistaken and problematic assumption. Human rights organizations are just that—human organizations—subject to the same pathologies of politics and power as all organizations, whatever their values and aims.

The Red Cross is not the embodiment of humanitarianism itself—however, much in the moral and popular imagination since the 1800s, it has become associated with humanitarianism and come to represent it. Likewise, just as UNICEF and Save the Children are not child rights and welfare themselves, despite being key signifiers of both and organizations that strive to respect and fulfill child rights, Human Rights Watch and Amnesty International are not the content and promise of human

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rights and their substance, despite their advocating for human rights. We must stop treating them as icons for veneration and as symbols of human rights. Instead they should be viewed as complex, necessarily imperfect, institutional expressions of human rights advocacy with all its possibilities, promises, problems, prejudices, and pragmatic pressures. Like most large and powerful organizations, these organizations are concerned with their brands, their reputations, their funding, and their social and political influence.

Amnesty International and Human Rights Watch, of course, rhetorically align themselves with human rights values and ideals that are widely and deservedly championed. Yet, this should not lead to the mistaken assumption that they necessarily embody and reflect these values in general, consistently, and keep up with the principles of universality, equality, and individual human dignity and value on which they are predicated.

Positionality, politics, prejudice, and ideology

To respect, protect, and fulfill human rights, we need a more critical and dialogical relationship with human rights organizations based on transparency and accountability. We need more honesty and transparency about their fundraising and spending, their leadership and its political qualities and relationships (both internally within the organization and in its external relations), and better acknowledgment of their decision-making processes and research policies and practices. We also need a greater willingness to acknowledge errors, weaknesses, and failures and to accept and engage in a fair-minded public probing of their institutional processes—whether that's the content of their human rights reports, how they create them, and the politics of the rhetoric they use as they devise and implement human rights campaigns.

Like all organizations, Amnesty International and Human Rights Watch have a particular positionality—financially, politically, socially, ethically, and geographically. They tend to obscure this positionality and intrinsic partiality and point of view because it detracts from their widely perceived uncritical association with the moral content of human rights itself. They nevertheless need to be treated less like secular quasireligious organizations with a following that sometimes perceives them as infallible and more as they are empirically. They possess power and social and political influence and are subject to ideological thinking, group-think, and doctrinal limitations and assumptions. They are capable of making mistakes, moral, legal, and practical. They are always balancing pragmatism and principle to sustain their resources—both their financial ones that enable their enterprise and their less tangible cultural and social ones: the symbolic moral power they convey and with which the public invests and trusts them.

The mythos and idealization of human rights organizations

Human rights organizations generally don't want to think of themselves and don't want others to think of them as fallible because their currency (human rights) is intrinsically utopian and its power (particularly its soft, constructivist power) stems, in part, from that utopianism. It is predicated on an imagined infallibility, both of the organizations and of human rights themselves as a body of moral principles, aspirations, and laws. Human rights are not only interdependent but frequently in tension and even in conflict (such as the relative emphasis of human rights principles of justice, freedom, equity, and equality). This is not frequently acknowledged in the domain of international human rights law which prefers to mask these tensions behind idealized and antiempirical claims of perfect complementarity. Acknowledging this mythos of human rights—the imperfections, inconsistencies, inequalities, and not infrequent hypocrisies of human rights practice and therefore the necessarily imperfect project of human rights advocacy—can threaten the power of the human rights myth both NGOs depend upon for their reputations, power, and influence.

Errors have indeed been made. Amnesty International was, for example, very slow to acknowledge racism and labor discrimination at its International Secretariat workplace and made a belated, and not wholly successful, effort to correct it (White, 2022). And Human Rights Watch has acknowledged its serious lapses in ethical judgment regarding donations from contributors antagonistic to the human rights of individuals identifying as LGBT (Human Rights Watch, 2020). Yet, even when they acknowledge errors like these and others, human rights organizations rely largely on the soft power of the popular impression that they are the unimpeachable guardians of human rights. Yet, they are self-appointed and unaccountable.

Human rights organizations and appropriating the law

It bears noting that neither Amnesty International nor Human Rights Watch are juridical or democratic in nature even though they engage intensely with legal issues pertaining to justice and democracy. They are not truly independent in the way that courts aspire to be in liberal democracies. The decisions they come to and pronouncements they make should not become uncritical orthodoxies and dogmas as they are all too frequently treated and perceived in much of academia, in the media, and in popular culture in Europe and North America.

Amnesty International and Human Rights Watch tend to perceive themselves—and conflate their roles—as organizations making definitive legal interpretations and pronouncements, although they have neither the legal

authority nor the mandate to do so. While many of these interpretations and pronouncements as reported in position papers are reasoned and well substantiated, that is not always so. Too many times they have been caught wildly off the mark—whether in an African context—in the case of Amnesty International failing to report accurately on the Rwandan genocide against the Tutsi (in contrast to Human Rights Watch's detailed and ground-breaking comprehensive reporting in the compilation, "Leave None to Tell the Story")—or to obfuscate the nature of Russia's attacks on Ukrainian civilians (Hayda, 2022), or in the case of Human Rights Watch showing a deep lack of concern with the human rights of and sometimes outright discrimination against Rwanda's Tutsi minority and Congo's Banyamulenge Tutsi minority which receive insufficient concern in Human Rights Watch advocacy.

Different but closely aligned aims and agendas

Amnesty International and Human Rights Watch have different, though substantially overlapping, ideological orientations that interpret international human rights law in sometimes varied ways. Amnesty International, for instance, incorporates social, economic, and cultural rights in its human rights assessments. Human Rights Watch, however, tends to focus primarily on civil and political rights. Amnesty International has a much stronger grassroots and localized character, whereas Human Rights Watch lacks that decentralized quality. Human Rights Watch tends toward elite human rights engagement, focusing on human rights studies and high-level engagement with governments and sometimes—though generally less frequently—with nonstate actors that tend to be less willing to engage with either organization.

Nevertheless, even in the areas where Amnesty International and Human Rights Watch have consensus between them, we should not assume that this obviates the need to undertake independent research, substantiate their reasoning and conclusions, engage with them critically, challenge them if that seems necessary, and insist on not deferring to them but rather integrating their perspectives alongside a wide range of human rights research and commentary. Both organizations should have a voice and a vote in human rights advocacy but not a veto.

The human rights sector suffers from a lack of diversity among human rights organizations. Amnesty International and Human Rights Watch have an unhealthy monopoly on popular perception of human rights and international human rights law. Although the development and humanitarian aid sector suffers from excessive duplication, it also benefits from diversity and healthy competition. There are differences in philosophy, emphases, values, and practices in organizations like CARE, Oxfam, Save the Children, Mercy Corps, PLAN, World Vision, ActionAid, and UNICEF—among many other development aid agencies. These differences and their pluralism of values, programs, and practices are valuable, despite sometimes also creating challenges of duplication, coordination, and excessive competition in the sector. In the field of human rights, such diversity is largely lacking. It is in the best interest of the advancement of human rights to support greater diversity within human rights organizational infrastructure.

While there are other international human rights organizations engaging in human rights advocacy (e.g., Human Rights First), they do not have comparable budgets, the extensiveness of programming, or the global popular awareness as Amnesty International and Human Rights Watch.

CRITIQUES OF HUMAN RIGHTS WATCH

Human Rights Watch has faced various criticisms regarding its own human rights record and, at times, its failures to adhere to principles of universality and equality. This is particularly so as they regard specific nations and ethnic and racial minorities and hold authoritarian regimes to the same human rights standards and with the same level of advocacy engagement as it does democracies (American Jewish Committee, 2022; Bernstein, 2009). Survivors of the Rwandan genocide and scholars of the genocide have argued that Human Rights Watch fails to advocate seriously and effectively in defense of the human rights of Rwanda and Congo's Tutsi minority (Johnson, 2013) and has encouraged the British government's refusal to prosecute Rwandans living in the United Kingdom for whom there is evidence of involvement in the genocide (Melvern, 2023). Former director Kenneth Roth has been repeatedly criticized for making statements while he was leading Human Rights Watch that downplayed the human rights of Jews (Neuer, 2020) or engaged in victim blaming, faulting Jews for their own experience of anti-Jewish racism and persecution (Doherty, 2021).

As noted earlier, Human Rights Watch has been criticized for accepting donations from authoritarian regimes in ways that potentially harm LGBT rights (Human Rights Watch, 2020) and for compromising its independence and integrity by maintaining close relations with some US political administrations (Harpin, 2018; Hopgood, 2013; McVeigh, 2019, 2021; Parveen, 2021).

Human Rights Watch is also sometimes criticized for being dependent on the capital of wealthy donors—much of it earned in ways that themselves create tensions with human rights principles and law and that make the organization at least partly beholden to its donors and not independent of them, despite its claims

otherwise. Like universities, museums, and other organizations reliant on large donations for the bulk of their funding or large portions of it, Human Rights Watch is not truly independent (Straus, 2024). Human Rights Watch should acknowledge this fact because it impacts its functioning, governance, choices, and policies even though the organization prefers to depict itself as independent of the types of prejudices and pressures that are intrinsic to organizations dependent on donors for their budgets and functioning.[1]

More recently, a former staffer who worked at Human Rights Watch for over ten years, Danielle Haas (2024), has reported implicit and explicit anti-Jewish attitudes, prejudices, policies, and practices that she argues are systemic to the organization and constitute an expression of institutionalized discrimination and racism that devalues Jewish people, their lives, and human rights and neglects to defend them with consistency, vigor, and in accordance with international human rights law. Referring to both Amnesty International and Human Rights Watch and to human rights NGOs more generally, Haas (2024) echoes concerns regarding transparency, accountability, and systemic ethical lapses stemming from prejudice and deeply rooted institutional ideologies that are rarely challenged and interrogated. "Past critiques have shown that regulatory and legal gaps leave significant flaws in how NGOs answer to donors and the governments of countries where they operate, as well as in their responsibility to affected communities when their projects and interventions go awry" (Haas, 2024). She insists that accountability must be structured, required, and enforced externally—not ad hoc, optional, and self-regulated.

> Human-rights organizations must also submit to independent, thorough, external reviews of their operations, with the findings made public—and not only after a reporter happens to find that such a review has been sat on for months. These audits should include investigating their editing, corrections, and fact-checking processes, as well as complaint mechanisms, meeting minutes, research priorities, resource allocations, terminology, and organizational operations. Staff must be interviewed for their experiences related to workplace culture and management. (Haas, 2024)

In her time at Human Rights Watch of almost 14 years, she reviewed her managers once.

For Haas, the institutional ethical failures at Human Rights Watch go beyond its discrimination against Jewish people—though that is a major concern for her and her experience. It is illustrative of Human Rights Watch's general failure to hold itself to account for its own purported human rights and nondiscrimination standards and values and the integrity of its research, advocacy, and legal and policy proposals and interventions.

CRITIQUES OF AMNESTY INTERNATIONAL

Amnesty International has been criticized for its own violations of human rights, particularly as they relate to worker rights and labor organizing, racism against people of color, and other racial and ethnic minorities (Konterra Well-being Report, 2019; Parveen, 2021). It has also been criticized for sexist discrimination and inadequate response to discrimination against women on its staff and in its programs (McVeigh, 2019, 2021) and for discrimination against Jews and insufficient defense of their rights and freedoms, including Amnesty International UK rejecting requests to campaign against anti-Jewish racism and assertively defend the human rights of Jewish people (Harpin, 2018; see also Gardner, 2018). As I noted in an earlier article in *World Affairs* (Schimmel, 2022), Amnesty International's International Secretariat has recently been fiercely criticized by human rights scholars and advocates for its report blaming Ukraine for civilian casualties caused by unprovoked Russian attacks on Ukraine and targeting Ukrainian civilians in massive crimes against humanity and war crimes. Rather than focusing on Russia's intentional mass killing of Ukrainian civilians, Amnesty chose to target the Ukrainian government. This evinced a lack of understanding of international humanitarian law, the realities of how the Russians are conducting their war against Ukrainian people—especially civilians—and provides the Russians with a tool for propaganda that has emboldened their massacres of Ukrainians and other crimes against humanity (Hopkins & Gibbons-Neff, 2022; Posner, 2022; Teich & Majumdar, 2022). The director of Amnesty International Ukraine resigned in protest (Pietsch, 2022), the cofounder of Amnesty International in Sweden resigned, members and leadership of Amnesty International globally have criticized the International Secretariat, and Amnesty International Canada condemned the International Secretariat.

In 2023, Amnesty International Canada stated, acknowledging the moral, legal, and institutional failures of Amnesty International's International Secretariat, that:

[1]See American Jewish Committee (N.d.), Amnesty International Canada (2022), Gardner (2018), Goldberg (2014), Howlett (2020), Jewish Chronicle (2024), and Simon Wiesenthal Center (N.d.) Also see the following websites: https://www.amnestyusa.org/amnesty-against-antisemitism/; https://www.ajc.org/news/amnestys-outrageous-lie-its-big-problem-with-jews-and-the-truth-about-israel, https://www.wiesenthal.com/about/news/wiesenthal-center-amnesty.html, https://urj.org/press-room/reform-movement-strongly-condemns-amnesty-international-report.

> In every conflict situation, Amnesty's primary focus is the protection of human rights and civilians, particularly those most vulnerable and at risk. Although this was the intention of the research and extended press release, Amnesty International failed on several fronts.… We regret the insufficient context and legal analysis, particularly given the nature of Russia's aggression. These findings were not communicated with the sensitivity, responsibility, and precision required and expected of Amnesty. We recognize the magnitude and impact of these failings from an institution of our stature, particularly in times of conflict. (Amnesty International, 2022)

It said that Amnesty International "challenged our core principle of neutrality" and further criticized Amnesty International stating, "We also regret the International Secretariat subsequent communication and response to public and legal critique." Amnesty International Canada highlighted how Russia coopted Amnesty International's statement, saying,

> We condemn Russia's instrumentalization of the press release to justify its illegal aggression. Since the start of the invasion in February, Amnesty International has and continues to categorically condemn Russia's invasion of Ukraine as an unjustified act of aggression and a grave violation of international law… As a section firmly committed to an equitable and decolonized approach to human rights, we greatly regret the deficiency in the collaboration between our International Secretariat and our AI Ukraine colleagues, which resulted in the resignation of Amnesty Ukraine's director… A decolonial approach begins with the principle to do no harm and centering those we are privileged to work with, particularly when they are most impacted and when they tell us that they are in harm's way. How we work is as important as what we work on—and, in this case, our ways of working from an equity-informed perspective fell unacceptably also. (Amnesty International, 2022)

Amnesty International Germany (2022) also apologized for the report and acknowledged its flaws and failures.

It is not only Ukraine and Ukrainians that Amnesty International has failed morally and legally. In March 2022, Paul O'Brien (the Executive Director of Amnesty International in the United States) cast aspersions on the identity and beliefs of American Jews (Berman, 2022). His statements were taken—particularly by Jewish House Democrats—to be a call for denying Jews the equal protections of international law and international human rights law pertaining to self-determination codified by the UN Charter and the legally binding International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights (Rod, 2022; Times of Israel, 2022).

Despite this record of prejudice and discrimination, O'Brien continues to lead Amnesty International in the United States at a time of rising anti-Jewish racism and hate crimes. He was censured—as was Amnesty International—by the 25 Jewish members of the US House of Representatives for his attack on the human rights of Jewish people, their right to equality, their fundamental freedoms, and their human dignity (JTA and Times of Israel Staff, 2022).

> As Jewish Members of the House of Representatives, we represent diverse views on a number of issues relating to Israel. However, we are in full agreement that Mr. O'Brien's patronizing attempt to speak on behalf of the American Jewish community is alarming and deeply offensive. He has added his name to the list of those who, across centuries, have tried to deny and usurp the Jewish people's independent agency. We stand united in condemning this and any antisemitic attempt to deny the Jewish people control of their own destiny. (Nadler, 2022)

But, as this illustrates, Amnesty International has chosen not to defend equal rights for Jewish people, despite its purported commitment to the universal human right to self-determination and to equal protection of human rights law for all without discrimination.

THE DEMOCRATIC DEFICIT AND THE LUXURIES OF ARMCHAIR ABSOLUTIST ACTIVISM

Amnesty International and Human Rights Watch are free to interpret international human rights law in ways that may not accurately reflect the law and/or may reflect their pragmatic concerns and campaigning strategies. And this is so even if these potentially contradict the promise of ethical integrity international human rights law makes, particularly regarding commitments to defend universality and equality. Both

organizations suffer from the moral and practical pitfalls of armchair human rights purism. Unlike development and humanitarian aid agencies which, by the very nature of their work, are frequently in the field implementing programming, they are able to afford the luxury of never being held responsible for taking practical actions that impact human rights. They can comfortably and confidently criticize everyone and everything with little attention paid to practical matters and consequences in the often exceedingly difficult historical, political, economic, social, and humanitarian contexts on which they comment, criticize, and pronounce judgments.

It is common for both organizations, for example, to call for a whole range of necessarily valuable human rights actions—such as free and fair elections—without meaningful regard for the realities and dynamics of authoritarian power and specific contexts and unique qualities of each country and society and the conflicts they face. They often overlook the futility of making such pronouncements when they do not deal with political and social realities but with a counterfactual human rights idealism that has little relationship with, and is a poor reflection of, the day-to-day struggles, preferences, and priorities of a particular population experiencing injustice, discrimination, and living under various forms of duress. Such duress includes ethnic and racial discrimination and legacies of violence which are often weaponized in electoral contexts, including the very democratic ones that Human Rights Watch typically calls for with formulaic predictability—even when they may exacerbate violence and human rights violations.

Amnesty International and Human Rights Watch also frequently maintain an ivory tower-like distance from the individuals and communities who sometimes suffer from their mistakes and from their pronouncements, most recently in Ukraine, for example. When they issue corrections or retractions —as in the case of Ukraine—it is often too little too late. This causes real human rights damage and harm and often hands propaganda victories to human rights violators, as Amnesty International did to Russia. But they have no meaningful framework to repair the negative consequences of their flawed reporting.

CONCLUSION

A more critical relationship with human rights organizations like Amnesty International and Human Rights Watch does not need to entail unnecessary antagonism. Rather, it demands transparency, independence, moral and legal integrity, and accountability. Acknowledging when and how Amnesty International and Human Rights Watch are wrong and make mistakes and show lapses in institutional judgment as well as human rights legal interpretation and advocacy choices should not be perceived as an attack on them or a rejection of human rights, despite the defensiveness with which they often react to criticism. On the contrary, it is a call for deepening their capacity for ethical and effective human rights advocacy and defense.

Amnesty International and Human Rights Watch have the power to advance their own programs of repair and corrective action. Greater humility in public communication and interaction, greater transparency in decision-making processes, and increased pathways for institutional self-criticism and mechanisms for their institutional integration and application are all within the power of both organizations to initiate on their own even as they will also require external mechanisms of accountability to ensure their integrity.

Such a relationship would ensure that the human rights and human rights laws they aim to advance are respected, protected, and fulfilled fairly, fully, without discrimination, on the basis of universality and equality and with uncompromised moral and legal integrity and accountability to the diversity of individuals and communities who are impacted by their work. In particular and most urgently, accountability toward those individuals, communities, and peoples with little of the power and resources invested in Amnesty International and Human Rights Watch and their donors but who experience the greatest consequences for good and sometimes—unfortunately, and preventably—for bad, from their advocacy and organizational politics, policies, and practices.

It is time to relate to human rights organizations as they actually are in their complexities, contradictions, and imperfections and not as we idealize and imagine them to be.

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