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#3.

THREE FOUNDATIONAL QUESTIONS

DOES MY  
INTERVIEWEE  
FULLY  
UNDERSTAND  
WHAT THEY  
ARE SIGNING  
UP FOR?



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#3.

THREE FOUNDATIONAL QUESTIONS

## DOES MY INTERVIEWEE FULLY UNDERSTAND WHAT THEY ARE SIGNING UP FOR?

It is not enough for somebody to say yes to having their words used or their picture taken. Consent is not meaningful unless it is fully informed.

**Just because someone agrees to speak or have their image captured doesn't mean that they really know what that involves. It is not enough to tell someone what you want to do. Go the extra distance in making sure they understand the risks and have genuine choices. In particular, they should know:**

- **How the interviewing or filming process will work.**
- **Which events and aspects of those events you are planning to discuss.**
- **Who will be able to see the material and for how long it will be available.**

**Obtaining consent is an opportunity and not a hurdle that needs overcoming. If your source knows the risks and is fully on board, you will get a stronger interview.**

The standard journalistic template for obtaining an interviewee's consent stems from situations where reporters are interviewing public figures. These are often powerful people who understand the set rules in a game that they are accustomed to. The primary focus is on securing access and getting the politician or businessperson to say as much as possible, preferably on the record with their name clearly attached.

That model is clearly inappropriate when working with vulnerable contributors, as the balance of power between source and journalist is reversed. Moreover, the first presumption in CRSV situations has to be the protection of a source's anonymity. This means laying aside any expectation that a survivor has a duty to speak to the public.

On one level this is obvious. Every journalist does (or should) know this. On another level, the legacy of the political model is deeply ingrained and can still ensnare journalists. If you are reporting on CRSV, you may need to pause and make sure you are starting from a different place that can be termed *meaningful consent*:

- 1.** First, set aside the idea that informed consent is primarily about securing access and getting someone to agree to an interview. It is not. It is about exploring how one might build a more secure basis for an interaction that comes with high risks. If someone changes their mind and it becomes clear that they don't want to speak, then take that as a good result. Just like in an audition, it means that they are not right for this role.
- 2.** Second, obtaining consent is not a one-time action, a quasi-legal formality that happens just at the beginning of a conversation. It is a continuing process, a negotiation where the right to report on particular details – or even on the whole conversation – may be revisited more than once.

Never pressure or manipulate someone into speaking about something as intimate as sexual violence. It has to be a free and genuinely informed choice.

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## Who can give consent?

The only person who can give consent is your subject. If the individual is a minor or somebody who is in some way not in a position to make a fully informed judgement, you may need *additional* consent from somebody who is a parent or a guardian.

But in any situation, **if you don't have meaningful consent from your interviewee – you just don't have consent.** The word of a relative, someone's lawyer, a fixer, or an intermediary from an NGO that it is OK to do an interview does not constitute consent. The negotiation has to be with the source directly.

If you're working with a translator, you need to make sure that the conversation they are having with the source is the one you think you are actually having. This, as the journalist Jina Moore describes, can be troublesome. It may take extra steps. You may need to tell your translator:

*"I'm sorry to repeat myself, but I want to make sure my purpose is clear: Here's who I am. Here's what I'm doing..." And when the translator says, "I already asked her that," you say, "I appreciate that, but the rules of my job require that I ask her, directly, myself. So, if you don't mind interpreting what I'm saying so that we can confirm this one more time..."<sup>[a]</sup>*

The power dynamics may be opaque and survivors may be under pressure to speak when it is not in their best interests. As a journalist, you have a duty to dig down into all the potential dimensions of vulnerability before assuming that someone is able to exercise a genuine choice in giving consent.

A potential interviewee who is in the immediate aftermath of an attack (certainly minutes and hours, and maybe days) is likely to be in no position to give meaningful consent. There may be a way of reporting what has happened using background information, if it is done in a way you are certain will not lead to the identification of any individual survivor. But be clear that somebody in such a situation is not in a position to make a decision about whether or not to waive their right to anonymity. That will require more distance from the attack.

## Working with translators

If you are working in an area that you are not based in, your relationship with local journalists and interpreters who can speak the language and know the lie of the land is crucial. But you can't assume that they are trauma aware.

You need to make sure that whoever is translating understands that:

- The subject matter may be emotionally challenging.
- They should not pressurise sources or offer inducements for them to speak.
- They should use informed consent and trauma-sensitive interviewing approaches. (Show them resources from this guide)
- They must not push into distress or probe for gratuitous detail.

You should plan in detail how are you going to conduct interviews as far ahead of time as you can, even to the extent of practising what you are going to do. Have a thorough conversation about risks and local cultural norms. Ask your guide too for feedback on how you are doing, and whether they are finding translating for you difficult. The more trust in your relationship, the better. You should also check in on how they are doing personally and whether there is any potential danger to themselves or their families.

[a] In Moore's article: [Five ideas on Meaningful Consent in Trauma Journalism](#)

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## What makes consent meaningful?

Just because somebody agrees to speak, that doesn't mean that they fully understand what it entails.

They may be unclear about the process, what you are going to ask them and how painful that might be, and what is going to happen with their contribution. The idea is to avoid surprises, anything that could cause harm further down the track. Check that both you and your interviewee are clear about the following:

- What the purpose of the conversation is.
- Who will be involved.
- Whether there are any 'no-go areas' that they would rather not talk about.
- Who will see the report (and its potential accessibility via the internet anywhere in the world).
- If it is a film, how long it will be available for and how it will be distributed.
- How their anonymity will be protected.
- Whether there is a possibility they will be singled out for online abuse.



If you're using images, it is good practice to involve the interviewee in the visual decision-making and show them what the world will see of their lives and the community they are living in. Journalists reporting on the rape of Yazidi women by ISIS thought they were guaranteeing the anonymity of the women by photographing them with their faces covered. But the women themselves could clearly identify each other from their eyes and from their highly distinctive individual scarves. [See [#8](#).]

Deeper, less-obvious levels of due diligence may be required – if, for example, any of these potential elephants in the room have not been clarified:

- Will the film or final report contain the voices of perpetrators, or of groups that support them? Finding this out after the fact can be deeply destabilising. A survivor may have great difficulty in understanding the 'right to reply' principle and how anybody could give their abusers the benefit of any kind of conversation. It is best to explain this early on.
- Are there hidden expectations that you have not addressed? Does your interviewee believe that speaking to you will bring direct assistance to the community? Or do they have expectations of you for continuing psychological support or friendship that you are in no position to meet? [See [#6](#) for more on this.]
- Journalists rarely think about the legal ramifications of their conversations with CRSV survivors. If your source is intent upon seeking justice in the courts, then talking to journalists could undermine their case. You should also know that all your records and rushes may be deemed to be discoverable evidence.

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## The judicial process and the danger of multiple accounts

The legal process in seeking justice for victims of violence can sometimes be compromised by multiple interviews. The Colombian journalist Jineth Bedoya Lima explains as follows:

*It is one of the biggest problems we have in cases of sexual violence.*

*In Colombia, the law says that the victim is not obliged to give her testimony about the events more than once. But almost all the victims are forced to give more than four versions and this obviously leads to inconsistency of the stories, which often leads to the deterioration of the judicial processes, a fact that is further aggravated when the victim has given her testimony to the media.*

*Unfortunately, journalists rely on the inconsistencies of the testimonies to try to put together 'a real one', but what this ends up generating is the closure of the processes.*

*Likewise, the account of a criminal act of sexual violence, without a trial, leads to the presentation of defence arguments to the perpetrators, who in many cases base their evidence on the 'inconsistencies' that the victims have had in the middle of an interview for a media outlet. Judges never take into account the circumstances of the manner, time, and place in which a victim's testimony is given in front of a camera. And it is clear that the effect on the story is different in an interview with a journalist than with a psychologist or health professional.*

Jineth Bedoya Lima, who contributed to our research, was twice abducted in Colombia in May 2000 and August 2003. In 2001, she was awarded the Courage in Journalism Award of the **International Women's Media Foundation**. She also won the Golden Pen of Freedom award from the **World Association of Newspapers and News Publishers** in 2020.

### Additional resources: consent

Jina Moore, an American journalist based in East Africa contributed to this consultation. She explores consent issues in more detail in these two useful articles: **[The Pornography Trap](#)** in Columbia Journalism Review and **[Five Ideas on Meaningful Consent in Trauma Journalism](#)**.

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