



Photography Policy & Procedure

The role of visual images

Visual images corroborate and elaborate the written documentation of our investigations and the testimony of witnesses and victims.

The combination of images, testimony, research, in-depth analysis, and concrete recommendations enables us to reach a broader audience and to deliver a more powerful message than research alone might.

The combination of written and visual documentation can call attention to human rights emergencies as they unfold, allowing a timely response to an emergency or crisis.

Visual documentation can be used directly in advocacy with governments, policy makers and international bodies.

Not all Human Rights Watch research lends itself to visual presentation and the protection of victims' dignity is our first priority. In situations where its use is appropriate, visual documentation is a tool of growing importance in the defense and promotion of human rights.

Which photographs are covered by the policy?

The policy covers all photography, still or moving, undertaken by researchers, consultants, interns and associates in the course of their work or while on mission for Human Rights Watch.

Photographs that are sourced from third parties for use in conjunction with Human Rights Watch work are also covered by this policy and the policy will guide the selection of such materials.

Photography Policy

1. The use of photographs in our publications is encouraged. In deciding whether to use a photograph, communications and legal will take into consideration whether the photograph furthers the public interest *and* the impact upon the interests of those depicted, including their personal security.
2. Photographs taken by any staff (including consultants, fellows and interns) in the course of their work for Human Rights Watch or while on mission for Human Rights Watch are property of the organization. Digital images of pictures used in our publications must be kept on file, and must include an accurate description of the images, including time and place the photograph was taken, what is depicted, and any permissions if applicable.
3. Under U.S. law, photos taken in public places are generally considered “newsworthy” and do not require the consent of the subjects. (This is not necessarily true elsewhere.) However, whenever we take or use photographs, we are respectful of our subjects’ wishes and privacy. We will make efforts to do so in a way that is sensitive and respectful of their human dignity. Wherever feasible, we obtain advance permission, preferably in writing, to take and use photographs of persons, especially when we are taking such pictures in a non-public setting (e.g. a home, office, prison, hospital, etc.), and briefly explain to subjects how the photograph might be used.
4. The above considerations apply with particular force to pictures of minors, incompetents, or others who are not in a position to protect their own interests.
5. We accurately describe the photographic images we use, avoid alterations that materially distort what the photograph represents, and ensure that the context in which they are presented does not cast a misleading impression as to what they depict.
6. We normally use photographs taken by others only with a written agreement. Wherever possible, our agreements should cover any uses (not just news-related uses) and multiple publications of the image in question, without time limitation, and such agreements must be kept on file. We appropriately credit

photographs we use. (See Image Technical Specifications for further details on copyright and credits http://embargo.hrw.org/style/6.htm#_Toc144200132.)

7. Photographs and captions used in reports must be approved by program and publications. Legal must review any photographs that are used for non-news purposes (e.g., solicitations, promotions, etc.) or pictures of minors and mentally disabled or otherwise incompetent persons that lack the written permission of a parent or other legal guardian, or any photographs that raise questions as to legality or propriety of their taking or use. The Reporters Committee for Freedom of the Press has produced a useful brief guide to such issues; it is below and available at <http://www.rcfp.org/photoguide/ninekeys.html>.
8. Photographs and images that are the property of Human Rights Watch cannot be given to other organizations for use without a written agreement. The appropriate information for this can be found at: www.hrw.org/about/faq/permissions.htm
For further details, see Use of Human Rights Watch's Work by Third Parties below.

Photographers' Guide to Privacy from The Reporters Committee for Freedom of the Press

9 Keys to Avoiding Invasion of Privacy Suits

[This is based on U.S. law only. The law and practice in other areas may be different.]

The best hedge against invasion of privacy suits is knowledge of the law in the jurisdiction in which the photograph or videotape is shot and published or broadcast. However, the line between journalism that is protected by the First Amendment and state law, and journalism that creates liability for invasion of privacy, is rarely clear. Before taking or publishing a questionable picture, a photojournalist might want to consider several factors:

- Generally, what can be seen from public view can be photographed without legal repercussions. Photographs taken in private places require consent.
- Even if people are photographed in public, beware of the context in which the picture is placed (such as an innocuous photo of recognizable teen-agers in a story about the rise of teen violence). Use caution when utilizing file footage or photographs to illustrate negative stories. Special effects can be used to render the subjects unidentifiable.

- If consent is required, it must be obtained from someone who can validly give it. For example, permission from a child or mentally handicapped person may not be valid, and a tenant may not be authorized to permit photographs of parts of the building not rented by the tenant.
- Consent to enter a home may not be consent to photograph it. Consent exceeded can be the same as no consent at all.
- Although oral consent may protect the press from liability for invasion of privacy, written consent is more likely to foreclose the possibility of a lawsuit. However, a subject's subsequent withdrawal of consent does not bar the publication of the photograph. It simply means that the journalist may not assert consent as a defense if the subject later files suit. In some states the commercial use of a photograph requires prior written consent.
- Permission from a police department to accompany officers who legally enter private property may not immunize journalists from invasion of privacy suits. In most states, authorities may deny photographers access to crime scenes and disaster areas.
- Public officials and public figures, and people who become involved in events of public interest, have less right to privacy than do private persons.
- In some states, using hidden cameras, or audio taping people without their consent, may invite criminal or civil penalties.
- A photograph may intrude into a person's seclusion without being published. Intrusion can occur as soon as the image is taken.

Privacy laws vary widely from state to state, and the law often is unclear within a given state. If in doubt about a situation, a call to a media lawyer or to the Reporters Committee may help you assess the risk.

Photography by Third Parties

Human Rights Watch occasionally contracts with assigned photographers and photo agencies to accompany researchers on missions. Wherever possible, written agreements, which must be kept on file, should cover any uses (not just news-related uses) and multiple publications of the image in question, without time limitation. Examples of such contracts can be obtained from the legal department.

All new contracts must be reviewed, in advance, by the legal department and signed by the communications department.

Use of photographs from assigned photographers and third parties must be covered by a copyright release form.

Human Rights Watch Photography Permissions form can be obtained from

http://embargo.hrw.org/style/6.htm#_Toc144200128

For more information, see also Image Technical Specifications

http://embargo.hrw.org/style/6.htm#_Toc144200132

Photographs purchased from third parties must have the approval of the publications director and the creative director. (See Image Technical Specifications for further details http://embargo.hrw.org/style/6.htm#_Toc144200132.)

Permission for Use is normally negotiated by the Creative Director or Publications Director. If there is an instance of negotiating for a photograph from a non-professional photographer, the Human Rights Watch Photograph Copyright Release form can be used with prior permission from the legal office.

Use of Human Rights Watch Work by Third Parties

Photographs and images that are the property of Human Rights Watch cannot be given to other organizations for use without a written agreement. The appropriate information for this can be found at: www.hrw.org/about/faq/permissions.htm

Human Rights Watch requires an email to permissions@hrw.org that includes:

- The Publisher/Sponsoring Organization, and the Director of the project
- Title and author of the project
- Title, year and section or pages of the Human Rights Watch materials for which permission is sought
- The geographical regions in which you would like to distribute the Human Rights Watch materials
- Whether the Human Rights Watch materials would appear online, and, if so, the URL at which the Human Rights Watch materials would appear

- The title and year of the material;
- The caption to be used in connection with the work, or, if the use will not be captioned, the applicable context of the desired use;
- The copyright attribution for the material*
- The original location of the material in the Human Rights Watch material (e.g., in a particular report, on a particular web campaign page, etc.)
- The requester's contact information, including an email and mailing address.

*Human Rights Watch owned non-text materials are protected by the same copyright as our reports. Please note that Human Rights Watch does not always hold the copyright for non-text materials contained in Human Rights Watch materials. In such cases, Human Rights Watch cannot grant reproduction permission, but we will attempt to provide contact information for the copyright holder when available.