



## Ethical Photography Policy

In all instances, photographers must be guided by local CWON staff who will have the best understanding of what is appropriate and will be able to communicate consensual arrangements with local people.

The following guidelines are intended to ensure that the human rights and dignity of persons whose images are used in CWON publications are protected. These guidelines are based on AusAID ethical photography guidelines available at <http://www.usaid.gov/Publications/Documents/ethical-photography-guidelines.pdf>

### **Copyright and ownership of photographs**

CWON owns the copyright of photos produced by staff, partner agencies and staff, subcontractors, volunteers and hired photographers, provided they were taken throughout the undertaking or documenting of CWON activities.

CWON does not own the copyright of all photos taken for personal use and photos that will not be used in CWON media and publications.

Personal photos that will be used in exhibitions and contest should have written consent and an agreement for the distribution of any prize money or royalty.

## **Standards of practice for taking photographs**

- Photos taken by CWON staff and volunteers should respect human dignity and ensure the rights, safety and well-being of the person or people being portrayed. Please consult with your supervisor or local staff.
- Comply with local traditions or restrictions when taking photos of people, objects or places.
- Women in Nepal are generally very modest and their privacy should be respected especially when they are bathing.
- Some religious events, ceremonies and participants do not welcome photography
- Funerals at ghats should not be photographed in a way that is intrusive or identifies any participants.
- Women in Nepal like everywhere take pride in their appearance and should be given time fix themselves up.
- Inquire into national laws related to photography and privacy rights.
- Gain verbal or written consent before taking photographs.
- Respect a person's right to refuse to be photographed. If you sense any reluctance or confusion, refrain from taking the photo.
- Do no harm. Individuals or groups may be put at risk of reprisal, violence or rejection in their communities as a result of exposing their identity or personal story through the publication of their image.
- Do not misrepresent the individual, situation, context or location of the photo.
- No payments or any other form of compensation are to be provided to subjects in exchange for their photo or consent. (This can encourage a begging culture and undermine the quality of development work).
- The exception is those persons who make their living by dressing in traditional dress and costume (mainly in Kathmandu). Holy men who are on pilgrimage or who are attached to a religious site and rely on public goodwill for their livelihood.
- Photos of issues that are culturally sensitive, politically sensitive or socially stigmatized must protect the identity and privacy of individuals.
- Do not identify individuals. Position the camera so that faces and other unique characteristics cannot be seen.
- Gain written consent to use real names and locations in situations where

disclosure could result in harm. Otherwise, remove detailed personal information such as names and locations in captions or any other associated documentation.

- Identifiable images of individuals should not be used to illustrate sensitive subject matter in such a way as to indicate that the individual is connected with the issue.
- Photos of people with special needs are to be taken with particular care, compassion and protection of privacy.
- Photograph all people with respect and dignity. Special care and compassion must be exercised with vulnerable subjects.
- Survivors of sexual exploitation, gender-based violence or abuse are not to be identified as such.
- An individual's status as a person living with HIV, TB or any other serious health conditions must not be revealed without written consent.
- An individual's engagement in sex work or other socially marginalized or criminal activities must not be identified.
- Care must be taken in photographing people in times of crisis. Do not exploit an individual's vulnerability at times of trauma or grief.

***Photos of children taken for work-related purposes must adhere to standards arising from CWON's Child Protection Policy.***

- Before photographing a child, assess and comply with local laws, traditions or restrictions for reproducing personal images and gain consent from the child or a parent or guardian.
- Ensure photos present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Photos must be honest representations of the context and the facts.
- File labels must not reveal identifying information about a child when sending images electronically.

### ***Informed consent***

All photos used, published or disseminated by CWON require the informed consent of individuals portrayed. Informed consent ensures respect for the individual's autonomy and privacy, ensures they understand the implications, purpose and potential use of the photo, and avoids harming the individual through the inappropriate publication of their image or their story.

Any agreement is purely voluntary and can be revoked at any time. It is expected that at a minimum any individuals photographed are aware that their image and story may be republished and disseminated in their home country and overseas.

### ***Written consent***

With a view to publication, staff and volunteers are required to obtain informed written consent from every individual human photography subject if:

- photographing individuals in the context of culturally sensitive, politically sensitive, taboo or high-stigma issues
- individuals may be put at risk of reprisal, violence or rejection in their communities as a result of exposing their identity or personal story through photographs, captions or any other associated documentation

Or photographing individuals:

- in all clinical settings e.g in a hospital, clinic, with midwives/nurses etc
- in all private settings e.g in a private home, within a classroom
- in circumstances where the photo clearly identifies a child or adult.

It is acknowledged that the requirement for written consent places constraints on certain forms and subjects of photography, particularly where language, literacy and cultural barriers exist.

In order to comply with the written consent requirement, it is recommended that:

- consent forms in the local language are prepared
- an interpreter is engaged and used for extensive photographic shoots to explain and communicate the purpose of the photos and gain informed consent
- a record is kept by the photographer if written consent was not gained due to illiteracy but there was a verbal agreement.

### ***Verbal consent***

Staff and contractors are required to gain verbal consent from all individual human photo subjects. Staff and contractors are not required to obtain verbal consent from human photo subjects in large public gatherings. When gaining verbal consent, you should introduce yourself, be courteous and explain the purpose of your visit and why you wish to take photos. Ask if they agree to this or at the very least smile, nod and point to your camera before taking the photo.

### ***Children and consent***

In determining whether a photo of a child should be taken or used by CWON, the best interests of the child must be paramount.<sup>i</sup> Consent must be gained from a parent or guardian before a child's photo is taken or their story recorded. The child should also have the purpose of the photo/interview explained to them in a manner appropriate to their age and asked for their permission.<sup>ii</sup>

Children have the right to be consulted and their wishes respected. Parents are not able to consent to children being photographed or participating in activities that are in breach of CWON's Child Protection Policy. Children must be protected from being portrayed in a way that may result in harm or discrimination.<sup>iii</sup>

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UN Convention on the Rights of the Child—Article 3: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

ii) UN Convention on the Rights of the Child—Article 12: Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

iii) UN Convention on the Rights of the Child—Article 2: Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

UN Convention on the Rights of the Child—Article 16: No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

UN Convention on the Rights of the Child—Article 36: Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Guardians must be present if a child is to be interviewed and this must be done in a sensitive manner. Child survivors of gender-based violence, abuse or exploitation must not be interviewed by persons untrained in psycho-social counselling.

### **Ethical use of photography**

Photos used by CWON and affiliates in publications and promotional materials must respect human dignity and ensure the rights, safety and well-being of the person or people being portrayed. Ethical use of photos includes ensuring accuracy in captioning, attribution and making sure they are used in the correct context.

Any photos of activities or programs carried out by other organizations are to be credited to that organization, even if implementing programs on behalf of CWON.

The value and importance of using a photo should be weighed against regard for the photographic subjects' privacy, reputation and integrity.

Ensure photos and captions used to illustrate or support written materials are factual and in keeping with the context of the story. It is not appropriate to use images in a 'generic' fashion to illustrate subject matter when there is no connection between the image and the content of the material illustrated.

No photo of a recognizable individual/s is to be falsely captioned or used in such a way as to imply information about that person e.g using a general image of a woman to illustrate an article or report about violence against women.

Use disclosures where there is the risk of misunderstanding e.g "The photos in this material are used for illustrative purposes only; they do not imply X on the part of any person who appears in the photos".

Care needs to be taken not to stereotype certain groups e.g beware of the repeated use of images of particular ethnic groups, nationalities or genders when illustrating particular issues.

Photos must not be edited to alter the context.

If photos are edited to protect identities, this must be noted and explained.

Photos of individuals should illustrate autonomy and dignity of a person.

Photos should support an accurate and balanced understanding of the aid program.

Images should not be overly negative or romanticize complex development issues.

Photos of nationals from one country must not be used to represent nationals from another country.

**PREPARED:**



Neville Neal, Treasurer

**Date:** 25/06/2011

**RATIFIED:**



Calida Neal, President

**Date:** 25/06/2011



Benita Morris, Vice President

**Date:** 25/06/2011



Neville Neal, Treasurer

**Date:** 25/06/2011



**Partner statement:**

Children's Welfare Organization of Nepal (Nepal) (CWON Nepal) agrees to abide by the principles of this policy and to work constructively to achieve the objectives stated in this policy. CWON Nepal also undertakes to adhere to local laws and customs and to be proactive in protecting the rights and customs in relation to this policy.

A handwritten signature in black ink, appearing to read 'Keshab Khanal', is written over a light blue horizontal line.

Keshab Khanal  
President Children's Welfare Organization of Nepal  
**Date:** 25/06/2011

